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HARVARD COLLEGE

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THE MENORAH MONTHLY

EDITED BY
BENJAMIN F. PEIXOTTO, P.G.S.

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Dr. A. P. Putman,
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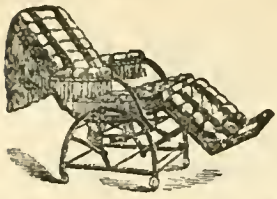

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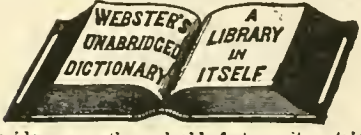

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THE MENORAH

SEPTEMBER, 1888.

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VOL. V. *SEPTEMBER, 1888.* NO. 3.

ASHES OR LIFE?

BY MARY M. COHEN.

"They did not delude themselves that their spirits were going to live forever. They must die; well and good."—H. F. FURNIVALL.

Shall man pronounce the fate
Of man,
And crush the hope that lights
The span
Of life on earth?

Oh God, illumine souls
To vow
That we shall touch our loved,
Not now,
But in Thy Heav'n!

Let poet still inspire
The faith
That spirit-joy shall be
No wraith,
But life itself.

Can we whose natures knit
With love
The tenderest ties, and pledge,
Above,
Our holy troth

Believe immortal wreath
A dream?
Resign those dazzling hopes
That seem
To gild our days?

Oh lost and cherished dead,
Revive!
How shall we bear our grief,
Survive
Thy lasting death?

But God hath promised Life.
Let man
Renew his trust, and break
The ban
Of disbelief.

When longing souls and hearts
That ache
Shall pierce the mortal cord
And take
What God will give,

The voice of doubt shall fade
Away,
And flooding beams of Truth
Shall sway
The spirit world.

THE JEWS OF THE EXTREME EASTERN DIASPORA.

By Alfred Kingsley Glover, D. D.

VI.

MANUSCRIPTS OF THE JEWS OF INDIA AND CHINA.

THE first and only Hebrew manuscript ever obtained from the Malabar Jews was brought to Europe in the early days of this century by the learned and enterprising Claudius Buchanan.[1] This manuscript is known to scholars as the *Codex Malabaricus* and was purchased from the *Black* Jews. Coming to light as it did early in this century, the expectations of its critical value were very great. Bishop Marsh regarded it as very valuable—as an inestimable treasure to Biblical scholars, and pronounced it as "*coming from the autograph of Moses through wholly different channels from those of the West, and therefore the close agreement of the one with the other was proof that they have preserved the original text in great purity.*"

But Marsh and many others were too hasty in their

judgment of the Indian Pentateuch roll. Coming as it did from a region remote from Europe, the earliest critics immediately assumed that its origin could not be referred to an European source. But Yeate's collation[2] and several others that were made proved the Malabar roll to be of little critical value. It contains but *four* peculiar readings, and is undoubtedly a copy of a Spanish masoretic manuscript. The material of the roll is *goat-skin* dyed with some red coloring matter.[3]

Although critics have never agreed as to the exact age of this Pentateuch roll, yet the present writer refers it to the end of the fifteenth, or more probably to the first half of the sixteenth century. This refers, however, only to the Malabar *copy* of the original Spanish manuscript which was brought to Cochin as early, at least, as 1492 by Jewish exiles from the West who arrived in large numbers by the sea route. It is beyond the critic's power to pronounce judgment as to the antiquity of the original roll, for it has never been seen by modern Hebraists.

Large portions of the Torah, including the whole of Leviticus and nearly all of Deuteronomy, are missing from this Indian manuscript. This mutilation was probably due to bad treatment at the epoch when the calamities of the Cranganor Jews began, and which culminated in their exile to the new Portugese city of Cochin, in 1565.[4] The roll is a bulky one, forty-eight feet in length and twenty-two inches in width. Its exclusive possession by the *Black* Jews is difficult to explain, unless it was due to the wealth of that portion of the Cochin colony, the Black Jews, as late as our own times, having been the most prosperous of all the Malabar exiles. At the time of Buchanan's visit to Malabar this roll of the Law was not in use, for the constant commercial intercourse between India and the West by way of the Red Sea during several hundred years had flooded Cochin with numerous rolls of the Law and Parashioth manuscripts, and even printed volumes of the Scriptures. The synagogues of both the white and the black Jews thus came into possession of new synagogue rolls, the old copy of the Spanish manuscript

being laid away in a chest where it remained unnoticed for several generations until Buchanan, having instituted a search brought it to light again. The Parashioth manuscripts were pronounced by Buchanan to belong to the fifteenth and sixteenth centuries. We must confide in this learned man's exclusive testimony, for these sections of the Torah have never been seen in Europe to the writer's knowledge.

The Malabar Jews possessed, according to the scraps of evidence gathered from their history, manuscripts of the Law from the days of their settlement, but of these we know nothing. The roll we have been describing was undoubtedly the oldest extant in Malabar.

Although the era of real prosperity did not dawn upon the Jews of Kai-fung-foo until 1164, when the Emperor Lung-hing permitted the erection of a synagogue or temple,[4] yet there is every reason to believe that, like the Jews of Malabar, the Chinese Jews possessed manuscripts of the Law from the days of their settlement in China, in the fifth century A.C.[5] We know positively that they possessed the Torah in 1296, when the "*old Temple was rebuilt as a place in which the sacred writings might be deposited with veneration.*" But from the epoch of the first Temple a constant succession of inundations and conflagrations occurred[7] which again and again destroyed the Temple and its contents, including the "sacred writings," so that the six rolls of the Law secured in 1851 at Kai-fung-foo are comparatively modern. It was only through the aid rendered by the Jews of Ning-po and Ning-hia that the Kai-fung-foo colony was enabled to furnish the Temple from time to time with the Scriptures. It was in 1440, after a disastrous inundation, that the Kai-fung-foo Jews were first compelled to call upon the Ning-po colony for a fresh supply of the Mosaic books. These, however, and probably all the copies made from them, were lost in a great inundation in 1446 and were again replaced by others donated by the Ning-po Jews. Upwards of a century and a half later the Pentateuch rolls and many other manuscripts were lost in a great conflagration, and it is probable that from this period until 1742 the Jews were without a Synagogue roll. In the

year last mentioned the colony was successful in securing another copy of the "sacred writings" from a Mahometan who had received it from a Jew resident at Canton.

From this Canton roll twelve copies were made, and these were preserved down to our own day. The six rolls of the Law purchased by the London Mission from the Jews of Kai-fung-foo in 1851 were part of the twelve rolls made in 1742. Of the original manuscript brought from Canton in 1742 nothing is known. It has been asserted that there were thirteen rolls of the Law in the Kai-fung-foo Temple in recent years; if so, the Canton roll may have been one of them.

Of the six rolls of the Law brought from Kai-fung-foo in 1851 two are in the possession of the *London Jews' Society*, and one is in the British Museum. The Bodleian Library at Oxford and the Library at Cambridge each possesses a roll. These are very heavy. Their length is thirty feet and their breadth twenty-three inches. The material is sheep-skin, which presents a fresh, white appearance. Each column of the text has forty-nine lines, the width of the column being about seven inches and a half. Each line ends with a complete word and each column with a complete sentence, in order to effect which extraordinary dilation of the characters is resorted to. There are neither *vowel points* nor *accents*, nor divisions into *books*, *chapters* and *verses*. The familiar Western marks ס and פ do not appear in the Kai-fung-foo manuscripts, but a *hiatus* appears in their stead. Where ס פ ס appear in our printed Bibles, in the Chinese rolls there is a blank space corresponding to a whole line. The characters are quite small and regular, and there are no variations of any moment from the text of European Bibles.

Of the remaining books of the Scriptures, not including the Haphtaroth, the Kai-fung-foo Jews possessed, in a complete form, only I- II *Samuel*. I—II *Kings* were in comparatively good order, while *Joshua* and *Judges* were both very incomplete. The *Psalms* were more or less complete. The *Haphtaroth* or the Prophets were contained in upwards of thirty small books. It is said there were formerly *eighty* of these volumes, many having been destroyed.[9]

Isaiah and *Jeremiah* were nearly complete, while *Chronicles*, *Nehemiah* and *Esther* were quite incomplete. Of the book of *Daniel*, there were but a few verses of the first chapter. *Ezekiel* did not appear. In addition to the foregoing there were passages from *Jonah*, *Micah*, *Nahum*, *Habakkuk*, *Zephaniah*, *Haggai* and *Zechariah*. The rest of the prophets did not appear, nor did *Job*, *Proverbs*, *Ecclesiastes* and *Solomon's Song*.[10]

The age of the Kai-fung-foo rolls has never been pronounced upon from a critical point of view. Indeed, criticism is of little avail in dealing with the Chinese manuscripts other than the *Parashioth*. We are compelled to rest upon the general appearance of the rolls and upon historical testimony in determining the age of the bulky rolls recovered in 1851. Both of these testify to an age of no more than a century prior to the time of the expedition to Kai-fung-foo by the agents of the London Mission.

Of the original Canton manuscript nothing can be positively affirmed, the only European who ever saw it having been Kögler, who lived in Peking from 1715 to 1746.[11] Judging, however, from the sparse testimony of the copies of this roll, it was probably of Spanish origin, but of no great age. The difficulty of determining the exact time of its writing from the facsimiles made at Kai-fung-foo arises from the very evident fact that the scribes were unskilled and ignorant, the characters of the text, though comparatively regular, presenting such local peculiarities as to render it quite impossible to compare the rolls with European manuscripts. Thus the results of criticism can be naught but approximate as far as age is concerned. The Canton manuscript was certainly not more than one hundred years old when it was carried to Kai-fung-foo in 1742.

The Chinese *Parashioth* manuscripts are of greater age than the recovered synagogue rolls, having been rescued from the conflagrations and inundations that have occurred at Kai-fung foo since the middle of the seventeenth century. These manuscripts are copies of one or more brought to China in the latter half of the seventeenth century by Persian

Jews.[12] Of the original Parashioth little is known. The immediate Persian origin of the Parashioth manuscripts is evident from the colophons in Hebrew and Persian that appear in two of them.[13] The colophon at the end of the *twenty-third* section of the Law reads as follows:

"The learned Rabbi Phinehas, the Son of Israel, the Son of Joshua, the Son of Benjamin, heard the Reading" "I have waited for Thy salvation, Oh Jehovah (Gen. xlix; 18). Amen"

The thirteenth section ends thus:

"Rabbi Akiba, son of Aaron, son of Ezra, heard it. Shedeur, son of Bethuel, son of Moses, read it. Mordecai, son of Moses, witnessed it, and he believed in Jehovah, and He counted it to him for righteousness." (Gen. xv. 6.)

Each of the Parashioth ends also with the ejaculation "*Holiness to Jehovah!*"[14]

In stating above that the Parashioth manuscripts of Kai-fung-foo were carried there by Persian Jews, it is not the intention to convey the idea that they be traced farther west than Persia. On the contrary, they are undoubtedly *Spanish*, and, in the writer's opinion, found their way to China by way of Malabar and Khorassan from the West.[15] The original manuscripts brought to Kai-fung-foo are probably referable to the fifteenth century.

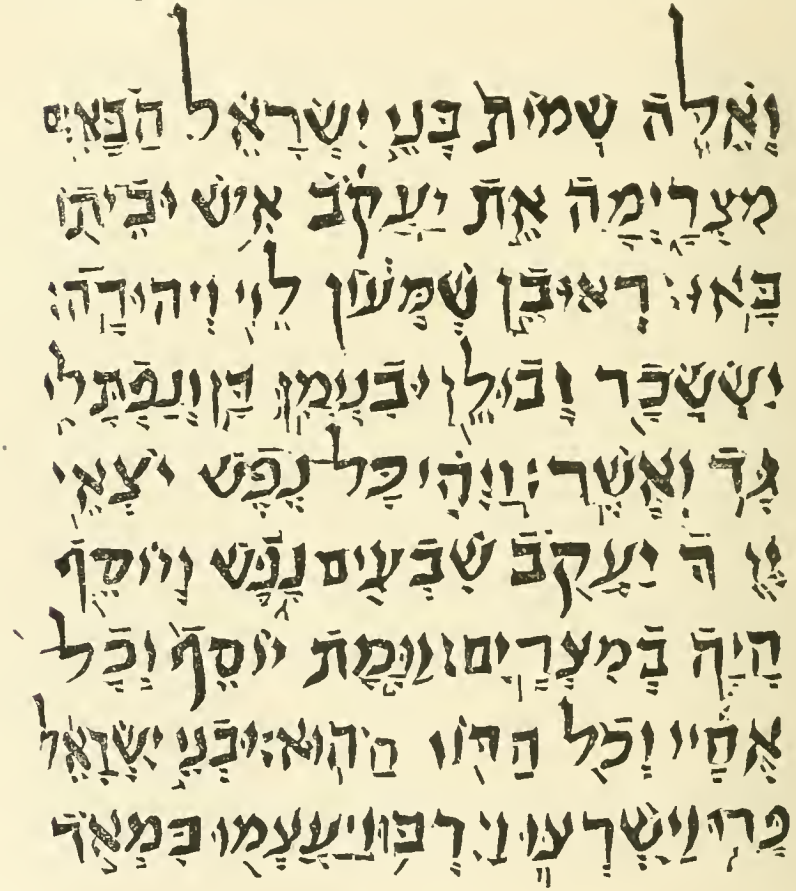
The material of the Parashioth books is Chinese rice paper. The text presents that roughness of style which might be expected at the hands of a Jewish scribe in Kai-fung foo.

Raphe appears throughout the text of all the manuscripts.[16] In Leviticus xix it occurs two hundred times, and in Leviticus xx one hundred and forty-six. In the former chapter *Raphe* appears over *Daghesh* in verses 2, 15 and 20.

The vowel points are identical with those of Western manuscripts, save in the case of *Kametz* which appears in that form so prevalent in *ancient* manuscripts, i. e. *a cross stroke and a point or dot beneath.*[17] The "*Puncta extraordinaria*" occur once in Genesis xxxiii; 4, over וישקהו. Genesis ii; 4, has the small ה as in our printed text.

K'ri does not appear. The initial characters are of the same size as the others. The lines invariably end with a whole word, and in order to accomplish this either unusual

dilation, or an unseemly contraction of the characters was resorted to. The greatest variation from our printed text is found in the accents. *Metheg* and *Mappiq* occur but seldom. In some instances they appear where our Western Bibles omit them, while in others they are wanting where they should be. The accents have different forms than ours. We present here a *facsimile* of a page of one of the Parashioth manuscripts:



The Kai-fung-foo Parashioth manuscripts are, it is seen, of no critical value to Hebraists. They are *Spanish* and

Masoretic.[18] They have disappointed, like the Synagogue rolls, the expectations of the learned, who hoped to find in the Chinese manuscripts of the Law the Masoretic corrections. Had the story of the Chinese Jews been elucidated, even from the frail testimony of the days prior to the expedition to Kai-fung-foo in 1851, such a hope could never have been so fondly cherished by a scholar like Kennicott. The presence of Spanish manuscripts in the "Great Middle Kingdom" and India was due to the fires of persecution in Europe during the twelfth, thirteenth, fourteenth, fifteenth and sixteenth centuries, by which the Jews were compelled to seek refuge in different parts of the East. The Spanish and Portugese Jews wandered farther than the others, and it is to this circumstance in particular that we may look for an explanation of the spread of *Spanish* manuscripts to the Jews of the Extreme Eastern Diaspora.

NOTES.

1. About 1807.
2. "Collation of an Indian copy of the Pentateuch." See also Horne's Introd., etc.
3. Synagogue rolls dyed red are very prevalent in the far East
4. See the writer's *Jews of India* in March, 1888, MENORAH.
5. First Tablet.
6. See MENORAH for July, 1888.
7. See note in July MENORAH
8. Of the six rolls recovered in 1851, *five* are here accounted for. One may be in Shanghae
9. Probably in the fire of 1446.
10. See Davidson's Biblic. Crit. (1853).
11. Refer to Kögler's "Notitia Bibliorum Judæorum in Imperio Sinensi." 2d edition. 8th tome (1805). Also see letter of Kogler in Journal of de Murr
12. At this period there are evidences of a large influx of Persian Jews into China
13. MSS. in the writer's possession.
14. On the "covers" of the Parashioth books is an inscription in the Mantchoo language. This in itself is a proof that the MSS. were made from the original after 1644, when the Mantchoo Tartar dynasty ascended the Chinese throne.
15. See March MENORAH—*Jews of India*.
16. Exact MSS. have either Dagesh Line or Raphe over the aspirates Gesenius).
17. This form was in use as early as the 11th century.
18. Davidson says: "We have collected portions with the T. R., and observed no variations." The result of the present writer's collation of Leviticus is like that of Davidson's, excepting mainly the use of the accents.

LUDWIG BOERNE*

(1786—1837.)

A Biographical, Literary Study.

Adapted from the German of Conrad Alberti

By Miriam Del Banco.

IN Giessen, Baruch at length again found time to devote himself to earnest, regular scientific study. Meanwhile, however, a great transformation had taken place in his views concerning the object of the same. The longer he studied medicine, the more clearly did he recognize that the entire medical knowledge of that time was merely a sort of groping about in the dark; that the dogma of to-day was the laughing-stock of to-morrow; that the true art of healing was grossly debased by all sorts of quackery. His nerves withal were not of the strongest order, any more than was his body; the sight of blood unnerved him; in short he became convinced that the study of medicine was not his field of action. His early interest in politics and public life, his premature mental development, his analytical turn of mind, all directed his attention to law. Even at Heidelberg he had already interested himself in lectures upon this subject, and now at Giessen, he devoted his entire time to the profession and forever abandoned that of medicine. With unflagging energy he applied himself to his books, and in the self-same city where, years ago, he had made his first step in life, he now prepared to gain for himself the first round on the ladder of advancement. A treatise on "The Geometrical Formation of State Government" secured to him the degree of L.L. D., a title conferred upon him during Crone's deanship, on Aug. 8th, 1808. The closing sentence of this treatise already briefly outlines the greater part of Boerne's activity as a political writer:

"Especially France and Germany ; these two countries are so closely allied, that they can hardly be separated. But here, too, the hand of Fate is distinctly visible, both countries should form but a

* See Menorah for June.

single State. And what a happy State this would necessarily be! For upon the union of the German natives with the French mutual neutralization would take place"

Strange, to find firm political principles of this nature with a man so young, a man so ignorant of the world, especially the political world! Stranger to find him attempting to make it a universal guide in the fate of nations without regard to their dissimilar and opposing elements. Strangest of all,—his clinging to these views with immovable tenacity, long after years of travel and personal experience had taught him how totally dissimilar these two nations are in every respect, and that they could never be moulded into one peaceable and harmonious mass.

In the following year, (1809) Baruch returned to Frankfort, both he and his father looking upon his education as completed. Here, for the time being, he was only a literary man, living quietly, modestly, and in peaceful retirement. At that time the formation of lodges was rapidly spreading amongst the Jews: and Louis, too, entered one of these associations, devoted to the common benefit of its members and having a charitable and scientific aim—the lodge *Zur Aufgehenden Morgenrothe*. He also wrote several dissertations which were read before the lodges of Frankfort and of neighboring places. Aside from this, he busied himself, as much as ever, with choice literature; especially with the writings of his beloved Jean Paul. Next to the works of this author, he was partial to those of Johannes von Mueller and Voltaire; and this selection of altogether diverse literary currents of thought, goes to prove that his views and opinions are surely not biassed or one-sided. The affectionate disposition, the deeply moral tone, the gleaming, sparkling wit,—prominent characteristics of the three above-named authors, awakened answering chords in his own soul, whose melody proved his nature to be a mixture of their own. He wrote a number of short articles for different papers; among others, several for the Frankfort *Journal*, being of an especially patriotic nature and directed against the power of Napoleon. Herein may already be traced his preference for the welfare of

his fatherland to his own interests; for it was the partisans of Napoleon through whose influence he and the Jews of Frankfort had secured the greatest advantages. With rude and destructive hand, the Corsican had put an end to the autonomy of the city and had placed a deadly foe of the republican form of government—the Baron of Dalberg, brother to Schiller's patron—at its head, giving him the title of "Primate." Dalberg, of a more humane and tolerant character than most Germans of his time, and following herein the beautiful and noble example of the French, had concluded, spite opposition of various kinds, to emancipate the Jews of Frankfort. He selected for this purpose, it is true, a rather peculiar method. He permitted the Jewish congregation to buy its freedom; the condition being the payment of 440,000 florins. There was now a prospect for talented Jews to enter the field of city government and have a hand in the administration of laws; and it was principally, this that influenced old Baruch in allowing his son to follow his own inclination with regard to the study of law. The father who loved his son, notwithstanding their diversity of opinion on many points, and who, after all, now thought highly of that son's abilities, and wished to reap honors with his talents, insisted upon his dropping the aimless, purposeless life he led and securing a position for himself. Such answers as those with which Louis had been wont to put off Schliermacher,—"Since I am *as* I am, it would be useless for me to force myself into doing anything; I would be just as bad at that,"—such answers would not do in their case. So Louis suffered himself to be designed for a position as registrar of the police, a post secured for him by his father, with the assistance of the chief of police, von Itzstein. Arrayed in belt and dagger, the small pale man now sat in the town-hall of Frankfort, examined passes and passports, cross-questioned vagrants and tramps and made records; doing all these things, it is true, in a manner that showed both incorruptibleness and sound judgment, but betraying an entire lack of business tact and dexterity. He was never intended to be a bureau officer—that daily became more apparent. However, what should he do? He could not forever

and always carry on his aimless mode of life ; he himself recognized that. And though not very ambitious, he still longed for a certain degree of independence. It was not pleasant, in mature manhood, to still be dependent on his father's bounty. And who could tell? Perhaps this position was the first step to independence and success.

From the deepest mire of degradation, the German people now arose, as by a single impulse, with the awful energy of a giant who has fallen before his enemy, stumbling over the unobserved root of a tree, and who now wishes to wipe out the ignominy of his fall by a single blow, in which he shatters the heads of his puny yet triumphant enemies. From the remotest port of the Baltic Sea to the outermost limits of the Swiss mountains, re-echoed the cry: Up, to arms against the arch-enemy! and Christians and Jews rushed together into the bloody fray, or assisted those who fought with gifts and contributions. Louis' own brother, too, was among those who, for freedom's holy cause, marched upon the field of battle. And when the victors returned, crowned with success, when there was no longer a Frenchman to be found from the Rhine to the Niemen, the first act of the happy victors in many a German land was the complete revival of that old and decayed system of administration the French had done away with. With envy and anxiety, the miserable, low-minded spirit of the Frankfort citizens had watched the growth of interest in public affairs spreading among the Jews of their city, and they already trembled; the sons of these Jews might supplant their own children in some profitable or influential office of administration. The sanctity of a compact, the payment of the stipulated ransom,—all were ignored. The city of Frankfort appealed to the Vienna Congress for permission to turn its Jews back into the old state of servitude By order of the congregation, Louis now wrote out a "Legal Statement of Citizens' Rights of the Jews of Frankfort-on-the-Main." Old Baruch himself headed a deputation to Vienna, that was to appeal to Metternich. The latter was certainly well disposed toward him. But all representations, remonstrances and just

complaints were of no avail ; stupidity was, once more triumphant, and only after the flight of half a century was its sway broken and set aside.

All Jews in the employ of the city were to be turned away; Louis Baruch, too. But as his position could not now be coolly taken from him, he was dismissed with a pension of 400 florins. Stirred into noble enthusiasm awakened by manifold wrongs, Louis wrote a vindication for the Jews, which he confided to the care of his father. But the gentle and over-careful man, so entirely the opposite of his son, objected to the tenor therein assumed by Louis, and prevented the publication of the document. Luckily he could not hinder his son, who was by no means discouraged, from shortly thereafter again entering the conflict with doubly sharpened weapons. The events that had but just transpired had left the deepest impression on Louis' mind. On all sides, wherever he looked about in the German land, he saw a dull and inimical reaction following in upon the bright and joyous exhilaration of the struggle for liberty; a reaction that endeavored to neutralize the fruits of the new exultation prompted thereto by pure selfishness ; a crumb of royal or princely power might, perhaps be crumbled off here and there. All true and noble hearts felt the discord in the condition of things, but no one had the courage to give utterance to his thoughts, and Baruch was satisfied with letting fly his shafts in private circles. The thought of giving publicity to his opinions never entered his mind. Then, as is noticeably the case with so many celebrated men, the entrance of a woman into his life's relations, gave all his thoughts and deeds a new impulse.

During the winter of 1816-1817, Louis became acquainted with Jeannette Otten, a young woman who was just being divorced from her husband, it having become impossible for her to live any longer with this disagreeble person. She had again assumed her maiden name, Jeannette Wohl, and lived in quiet and seclusion with her mother, an old Jewish lady of strictly orthodox views. Neither strikingly beautiful nor strikingly intellectual, she was yet graceful and pleasing;

and with delicate womanly tact, knew how to assume and fill her place in the best circles of society. Boerne, though no society man, preferring to live in retirement, often silent and embarrassed in large gatherings, still liked the society of women. He felt comfortable and at ease in that peculiar atmosphere with which a number of ladies quickly fill a room. And they, in turn, were pleased with his witty sayings, his proficiency in nicely turned compliments, his attention to the small details of dress, fine linen and elegant clothes. A woman's sensitive nature often recognizes the future greatness of a man long before he has become known to the world; and though she may not be conscious of her foreknowledge, she still feels drawn toward its subject. Boerne frequently sat with his congenial lady friends, among whom Frau Wohl was also numbered. He treated them to confections from small bonbonnieres and entertained them with clever remarks concerning the latest publications or the performances at the Frankfort theatre, while his beautiful, soft eye beamed with humor and good will. He was both a pleasant and an entertaining companion, spite of the fact that his hearing was already at that time somewhat defective. . . . A feeling of sympathy and congenialty was quickly established between Jeannette and Boerne. Each felt pleasure in the other's society. Never, to be sure, is a woman more easily won, than immediately after some sad experience of love or marriage. Her heart, made tender, to a certain extent, by its past pain, longs for love's sweet consolation. Her vanity is flattered, her pride satisfied to find that, after all, she is still capable of awakening true love in another heart save the one that has so deceived her, and of bestowing her own affections upon a more worthy object. The consciousness of being loved and esteemed by some one, allows her to forget the unhappy past. A passion such as Boerne had, years ago, felt for Henrietta Herz, was, of course, out of the question here ; there was hardly even that feeling so commonly designated as "Love." One of those peculiar relationships, moreover, developed itself, for which our language has no adequate expression, inasmuch as such cases

are singular and solitary: they involve more than friendship, less than love. But habit at last strengthened the bond into an indestructible one. In 1819, Henrietta Herz came to Frankfort-on-the-Main and, of course, again met her former adorer, and became acquainted with the lady who was at that time his chosen friend. She expresses herself in the most favorable manner, concerning both. She says with regard to the matter: "Immediately after my arrival, I invited him to call. He was deeply moved upon again meeting me, even though, thank God! he had been entirely cured of his mad passion. I found him changed, and with advantage to himself. Through all the simplicity of his demeanor, a certain geniality could be traced. During both times of my sojourn in Frankfort I saw him almost daily, and there first read most of his journal articles that had appeared from time to time. . . . I confess that his power of representation, especially, surprised me."

Of Madame Wohl, she says: "I was much pleased with his friend, Frau Wohl. She was a serene, sensible, well-informed woman of pleasing demeanor, and I would have deemed it fortunate had she accepted his hand; for a happy marriage was necessary to him. When, later, during his visit to Berlin, I asked him why he had not married her, he answered, 'She will not trust me.' But there must have been some other reason." The real cause that proved a barrier to their marriage, was the fact that, during the intervening time, Louis had been converted to Christianity, and Jeannette's orthodox mother would never have sanctioned her daughter's union with a Christian.

On June 5, 1818, at Rodelheim, near Frankfort-on-the-Main, the baptism of Louis Baruch, the pensioned police registrar, had taken place. He had, on this occasion, assumed the name of Charles Ludwig Boerne. This change of religion has been made the subject of reproach to Boerne; it has been said that the conversion was made with a view to securing for himself a position in society. This view, of course, is absurd. But the Jewish rites and ceremonies seemed empty and unmeaning to him; Judaism an institution cast off and

left behind; and the lack of interest in intellectual pursuits, evinced by the Israelites of his native city, their minds, intent only on money-making schemes, disgusted him. Nothing but an outward symbol now united him to Judaism; and he longed to escape from its narrow confines. He may thereafter have said that he begrudged the five louis d'or he gave to the clergyman; but this cannot be understood to imply that, after baptism, he was, at heart, still an Israelite. It is true he may never have been a better Christian than he was a Jew. But he possessed a deep and earnest religious spirit, as may be traced in many instances in his works and letters,—a religious spirit for which each—any confession was a chain and a hindrance. In those days it would have been impossible for him to live without belonging to some creed or confession; and as most freedom was granted by the Lutheran religion, and as he could not but think it of some value to outwardly be equal to, and enjoy the privileges of a class of people whose most important and comprehensive questions he wished to discuss, he made up his mind to exchange the heavy chains for the lighter handcuff, that, at least, left him the use of his feet and elbows. Boerne had no occasion to ring into publicity a step that concerned only himself and his own conscience. It was taken quietly, without the knowledge of anyone—not even his own parents. Only later on, during a judicial transaction involving a decision connected with his own person, name, etc., was the fact brought to light. And of so little consequence did it seem to Boerne, so little ado did he make about it, that when, shortly thereafter, he applied for membership to a reading-circle of Frankfort, and was refused on the plea of his being a Jew, he did not even protest against this refusal. It would certainly have been a dreadful calamity for the Frankfort reading circle had its newspapers and magazines been soiled by the fingers of a Jew! But Boerne was too proud to take advantage of an accidental circumstance for obtaining anything his own personal merit failed to secure.

CHAPTER XXVII.

THE REVISED CONSTITUTION—DECLARATION OF PRINCIPLES —HOSTILITY TO THE ORDER AND ITS CAUSE.

AS already indicated, the laws of the Order were divided into two parts: The Constitution proper and the general laws.

The Constitution Grand Lodge, the supreme legislative judicial and executive tribunal of the Order, exercised its functions in the General Convention, which was to take place annually in the month of August, or in the first week of the month of September. It was composed of the representatives of the District Grand Lodges, who were entitled to one representative for each of their subordinate lodges. The S'kenim were likewise entitled to voice and vote in the Convention. The Board of Officers, elected for one year, constituted the Executive Committee during the recess. They also formed the highest Appellate Court; their decisions, however, could be reviewed by the General Convention.

The Council of S'kenim were deprived of all their former powers and their duties were confined "to devise means for the realization of the aspirations of the Order, and lay their views before the General Convention for approval; to examine and decide on all such plans submitted to the Constitution Grand Lodge by other bodies of the Order, while the General Convention is not in session." The ritual and formulas of the Order were placed exclusively in their charge to alter or amend the same, or introduce such new ones from time to time as they thought suitable, and for which purpose they were empowered to pass ordinances in the name of the Constitution Grand Lodge.

All vacancies occurring in the Board of Officers, either by resignation or otherwise, were to be filled by them, they to furnish an account of their actions, to be embodied in a report of the board of officers to the General Convention.

Each District Grand Lodge was given the power, subject to the Constitution and General Laws of the Order, to grant charters for subordinate lodges, and to instal the same; to grant dispensations in urgent cases; to decide finally in all cases of appeal of members against subordinate lodges; to decide in the first instance in controversies between subordinate lodges; to make their own members amenable for breach of duty; to make By-Laws for their own government and that of their subordinate lodges; and to suspend subordinate lodges for cause.

Annually at the close of every fiscal year, they were to give to every subordinate lodge a full report of the state of affairs of the District and of the several lodges, and of their own actions. They were to hold regular quarterly meetings in the months of November, February, May and August, the latter to be the general meeting, wherein all officers and the representatives to the General Convention were to be elected. They must report to the Constitution Grand Lodge at least once every three months on the state of the Order within their District, and annually submit to the General Convention a detailed report, showing their own, as well as the financial, statistical and moral condition of their subordinate lodges.

The business of the District Grand Lodges was to be carried on by their officers and the representatives of their subordinate lodges, who were to be elected from their ex-presidents, each lodge to be entitled to at least three representatives.

The rights and duties of members of lodges were clearly defined, and the right to present petitions in the General Convention secured to every lodge. An impartial trial and a strict investigation of any charges brought against a brother were guaranteed to him with the right of appeal to the District Grand Lodge, for which purpose his lodge is obliged to supply him with all papers and a copy of the minutes relating to his case.

The general laws were simply an amplification of the duties of officers and committees, providing a code of pro-

cedure in cases of trial, of suspension and readmission, and a legitimate manner of visiting other lodges and the rights secured thereby.

It will be seen that the main feature in the change was a stricter conformity to the representative system throughout the Order, and a more equal distribution of powers in the various divisions of government. Of greater importance, however, than all this was the declaration of principles as expressed in the preamble to the Constitution.

Whatever its influence or effect on congregational life and matters, the Order had well fulfilled its mission in this direction, and it may be said that with the death of Dr. Merzbacher it had entirely come to an end The preface to the Constitution of 1851, written by him, and inspired by the hope of just such results as had been accomplished, was dropped, and the following substituted in its place :

"The Order of B'nē B'rith has for its mission the union of the Israelites of the United States of America with the purpose of developing the highest interests of Judaism most widely and most effectively.

"Daily experience proves that where individual endeavors, however nobly inspired and zealously prosecuted, fail of their purpose, combined efforts of men formed into societies meet with success and happy results. Past experiences in the Order have demonstrated it and justify the greatest expectations in the future. Evoking the warmest sentiments of friendship and brotherly love, it offers consolation and help to the sick, aid and sympathy in adversity and misfortune, dries the tears of the widow and the orphan, and by warm-hearted sympathy in all conditions and vicissitudes of life heightens its joys and lightens the burdens of adverse fate."

"But its further and principal aim is to advance the intellectual standard of its members, to inculcate the knowledge of the principles of true morality and to promote the pure and sublime teachings of Judaism, and further them to practical application."

"It is true that the activity of the Order is first directed

to its members, but its ultimate aim is not circumscribed by the walls of its lodge rooms. It constitutes rather a preparatory school for the highest duties of life, to work by precept and example for the welfare of mankind to the honor and glory of Israel."

Taking this broad basis of benevolent, moral, and intellectual aspirations in connection with the elimination of a symbolism that had outlived its usefulness, and placing itself by emphatical declaration on neutral ground in questions of religious dogma and ceremonial, it must be confessed that great strides were made by this meeting of the Constitution Grand Lodge in Philadelphia towards a freer and more lofty development of well understood aims and objects.

At the same time an hostility to the Order was engendered, deep-seated and unrelenting, in consequence of its action of strictly excluding schemes and plans foreign and dangerous to its true objects, which had persistently been brought forward for a number of years without success. New attempts in this direction were made with great pertinacity whenever occasion offered, and as they were uniformly met with prompt rejection, the Order was attacked openly and insidiously, in a spirit of vengeance and malice, with the clear intent of doing it every possible harm by discrediting it in public estimation through false and slanderous charges, in the hope of its ultimate destruction.

Creating occasional difficulties and disturbances, it will appear in the progress of this history, when these incidents will be fully recorded, that they did not impede the advance and growth of the Order in any perceptible degree.

WHO IS SATAN?

By Rev. Dr. Falk Vidaver.

THE word Satan in its *generic* sense is derived from the Hebrew verb שָׂטַן to pursue, to hate, to obstruct and to accuse. "They pursue ישטנוני me because I follow that which is good," (Psalms xxxvii. 20) "Let them be confounded and consumed that hate שטני my soul, (Psalms lxxi. 13.) "And the angel of the Lord stood as an obstruction שטן against him," Numbers xxii. 22.) "And etc. wrote they, an accusation שטנה, etc.," (Ezra iv. 6.) But taking the word *Satan* in its specific sense, as a proper name, we find it in the Bible signifying as a spiritual invisible being, whose vocation is to tempt and mislead mankind, and who delights in man's destruction and degradation. In the book of Job, Satan is described as being familiar with the Almighty; "And the Lord said unto Satan, whence comest thou?" (Job i. 7.) During the reign of David Satan is reported to have worked against Israel. "And Satan stood up against Israel," (Chronicles xxii.) When prophet Zechariah beheld in a vision the high priest Joshua standing before an angel, he saw Satan by his side, to resist him (Zechariah iii. 1.) These biblical passages have given rise to a superstitious belief which has taken deep root, not only in the hearts of our people, but also in those of the numerous adherers of Christianity and Islam. In the New Testament Satan is being identified with the devil, derived from the Greek διάβολος and is believed to be as ubiquitous and powerful as God himself. In Matthew iv. 1. Satan is reported as having tempted Jesus. St. John calls Satan a murderer, a liar. And in Revelation xii. 78., it is said: "And there was war in heaven, Michael and his angels fought against the dragon, etc. And the great dragon was cast out, that old serpent called the devil and Satan, etc." It is most astonishing that Jesus, in whom Christians believe as having been God himself, was powerless in the presence of

Satan, while Michael and his angels vanquished him? In the second and seventh chapter of the Koran we read that "Satan, who is called there Eblis, having disobeyed God's order to worship Adam, was hurled down from heaven, etc." Thus has Satan become the invisible ruler of Europe, Western Asia and America, corrupting the innocent, defiling the pure, and degrading individuals as well as communities. Preachers raise their voices against that misanthropic demon, poets depict him in the most vivid colors. Pope in his moral essays says: "Satan now is wiser than of yore And tempts by making rich, not by making poor." Milton in his "Paradise Lost" says, "Satan exalted sat by merit raised to that bad eminence, etc." Klopstock in his Messiah speaks of Satan: "Ich bin Satan!" antwortet ein zorniges, tiefes Gebrüll, "bin König der Welt," etc.

But the question arises spontaneously: Who is Satan? Has Judaism given birth to such a phantom? Are the people of Israel responsible for the existence of such a demon? In order to solve these questions we must concur in the conclusions to which our great historians and modern Bible critics have arrived, with reference to the period when those books, which mention Satan as a proper name, were discovered. It has been ascertained (see Grætz, vol. ii. Note 14) that the books Job, Daniel, Chronicles and Kings belong to that time when the children of Israel, with exception of a few who were permitted to remain in Jerusalem, were transported by Nebuchadnezzar to Babylon. There they came in contact with the Persians, whose religion consisted in fire worshiping and believing as taught by their Magi in a deity of a dual form in Ormuzd, the creator of light and good, and Ahriman, the originator of darkness and evil. This belief of the Persians was during the time of Jeremiah and Ezekiel, improved by Zoroaster, who was the propagator of Monotheism, teaching that there was before the world's creation but one omnipotent God who, by his word, called into being two good angels, Ormuzd and Ahriman. But the latter corrupted his ways, and thus became ruler of darkness and evil.

Now, as the people of Israel found in the land of their

captivity a nation whose principal belief in God bore such a striking resemblance to that of their own, they soon became closely attached to them and imbued with their belief in Ahriman, whose name they changed afterwards into Satan, which found entrance in the Bible. Persian superstitious religious ideas took a strong hold of our people's imagination, yes, even of that of our prophets. שמות המלאכים עלו מבבל. "The names of the angels"—says the Talmud Jerushalmi of Rosh Hashana—"did the people of Israel bring with them from Babylon during the reign of Cyrus." Thus the Christian world is indebted for the invention of Satan, who embellishes their Testament, not to the Jews but to the Persians. Also the believers in Kabbalah are indebted for the nomenclature of angels and demons which they possess, to nobody else but to the Persians. The Persian doctrine of angelology and demonology have impressed the majority of our people so that they adhere to it up to the present day. This doctrine has become the nucleus of many of our prayers. The Kabbalistic rabbis have even gone a step further and have identified Satan with the serpent (*Nachash Hakadmony*), which enticed Adam and Eve to trespass against God's commandment. And gradually they have advanced him to the high position of *Malach Hamovess*, angel of death. Hence, one of the sages says: "*Hu*, *Hasatan*, *Hu Hajezer hora*, *Hu Hamalach hamovess.*" "The Satan, the enticer to evil, and the angel of death are one and the same being" This view, however, was not shared by all rabbis. There were many who bitterly opposed it. The Talmud B'rachoth, page 33, relates: "In the place where Rabbi Chanina ben Dosa resided a serpent endangered the lives of the people. The rabbi succeeded in doing away with the serpent and convincing the people that not the serpent killeth but sin." This story intimates the idea that Rabbi Chanina ben Dosa worked to destroy the prevalent belief that the old serpent, *Nachash Hakadmony*, was the *Malach Hamovess* who hurls people into untimely graves. The rabbi endeavored to show that untimely death is due to some *cheth*, yes, some deviation from God's precepts which are compatible with the laws of nature.

HISTORY OF JEWISH LITERATURE*

By Dr. Gustave Karpeles.

Translated from the German by Richard J. H. Gottheil, *Ph. D.*
Columbia College, New York.

SECOND PERIOD.

The Judæo-Hellenic Literature from 200 to 100 B. C. E.

THE EXPOSITION OF THE LAW.

THE origin of these six groups, their development, and the forms which they took when fixed in writing, will best be explained when treating of the following period. For this whole literature, for well nigh a thousand years, was in a state of continual flux.

As regards the period of the first Tannaim, it is sufficient to call attention to the fact that these Tannaim were engaged in scientific study, and to the general direction which this study took to make it plain that the spiritual life in Judæa never ran to sand. The continuity of the literary development was never broken. From the saying of Simon the Just we can judge of the general character of this development. And this character shows itself even clearer in the sayings which have happily been preserved of the other doctors of the law who, as heads of the Sanhedrin and the School, had the direction of affairs in their keeping.

Simon was followed by *Antigonus* of Socho, the first Jewish scholar who bore a Grecian name. His favorite aphorism clearly shows the advance in philosophic ideas far beyond that of even the latest Biblical writings. It is this: "Be not as servants who serve their master on condition of receiving wages, but as servants that serve the master without expectation of reward, and be influenced only by the fear of the Lord." In contrast with the theories of retribution at that time so much in vogue, this saying shows a rare ripeness of moral development on the subject of reward and punisment.

If Simon taught unquestioning obedience to the law and Antigonus the doctrine of human free will, the sentiments of the succeeding teachers show a natural development on the

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religious side, as well as an active warfare against the foreign Greek spirit, at the same time exhibiting a morality which rises far superior to party strife and to persecution. Usually two teachers are mentioned together. *Yose ben Yoeser* of Tereda, and *Yose ben Yochannan* of Jerusalem are the next in the list of the teachers of the law. Both lived in a time in which the Grecian spirit had laid axe to the root of the Jewish religion, and had intended to destroy it. But Judaism withstood all this attack, and there developed in its midst the spirit of the "pious ones" (*Chassidim*), which was to have so marked an influence on the future. Both the above-named men probably came from the ranks of the Chassidim, and the first one sealed his religious convictions with a martyr's death. Yose ben Yoeser was crucified at the instigation of his nephew Alkimos; he, "the pious one among the priests," who taught "Let thy house be a place of gathering for the wise, kiss the dust of their feet, and drink their words with thirst." And his companion Yose ben Yochannan said: "Let thy house stand wide open, let the poor be thy household friends, and gossip not much with women."

The spirit of these utterances, the spirit of humanity and science, as well as of religious earnestness, necessarily kindled enthusiasm and provoked imitation in even so downtrodden and sorrowful a time. And although it is stated that with the death of these two teachers the public lectures ceased, yet the teaching itself and its development did not stop. Soon thereafter we reach another pair of leaders, whose sayings are characteristic of the spirit of the times. They are *Joshua ben Perachya* and *Nittai of Arbela*. They lived in the days of the high-priest of the Maccabean family, Simon; and their chief endeavor was to defend the oral law against the dominant party of the Sadducees, who denied its validity. Joshua ben Perachya says, "Take to thee a teacher, gather around thee companions, and judge every one from the milder side." The essence of this saying has been correctly understood to rest upon the acknowledgment of tradition, which it was the teacher's business to propagate, and the companions to follow, but which should not lead

them to judge harshly of other views. Nittaï, however, said—in reference probably to the general tendency of the times: "Remove thyself from an evil neighbor, make no companion of the scoffer, and live always prepared for misfortune." The method then prevalent, of expressing a deep meaning in short rhapsodic sentences, must be borne in mind to understand the true meaning and wide range of these words, which were well understood and grasped by those to whom they were chiefly addressed. In the latter days of the Hasmonean dominion, in which party strife ceased for a while, we meet again with sayings of the teachers of the law which need no such interpretation, since they clearly express that upon which their own times laid most stress. Such heads of the Sanhedrin were *Yehuda ben Tabbai* and *Simon ben Schetach*, the latter especially being the hero of many legends and sayings in the Haggādā. The object of both was to again cause justice to be honored, for tyranny often overwhelmed it. Stern, just characters, they did not fear the anger of the master. They protected the dignity of the Sanhedrin and the law against all attacks, with manly courage. "As judge, be not advocate of party against party. So long as both parties stand before thee, regard them both as guilty; but when the matter is ended, and they have accepted the judgment, then shall they both be justified in thy eyes." So runs the saying of Yehuda ben Tabbai The times of Alexander Jannäus and Queen Salome might well need such warnings, and Yehuda himself had fled from the King to Alexandria. And Simon ben Schetach, the Queen's brother, had also to remain long concealed from the anger of the tyrant, who could not bend his stern and just character. Her favorite maxim was: "Carefully examine the witnesses, be cautious in questioning, lest you should entice them to bear false witness." This was probably addressed to the pupils of the schools. But the stories of his successors, as to his deeds and opinions, were still more characteristic of the man, and showed an uncompromising devotion to justice. But especially remarkable is the story of the Essene Onias, which well shows the spirit of Simon ben Schetach.

This Onias (Choni-ha-Meäggel) had the reputation of being able to procure rain and to cause it to stop by means of prayer. Simon readily saw the danger of such superstition in a time of excitement and party strife. He therefore sent the following message to Onias: "Were you not Choni, I would pronounce the ban against you, but what can I do? You are like a spoilt child of God; everyone does your bidding, and satisfies your desires!" But Onias was a pious and a noble man; it is necessary to appreciate this to understand the meaning of Simon's message When, during the civil war between Hyrkanus and Aristobulus, the soldiers of the former besieged the Temple Mount, they asked Onias to curse the partisans of the latter and the priests, who had fortified themselves in the temple. He refused to do so, and, when hard pressed on all sides, said: "Lord of the world, here stand Thy people, and there are Thy priests: they are angered against one another; hear not, O Father in Heaven, the prayers or curses of either against the other." The people stoned him.

This saying is a fruit of the spirit of humanity and patriotism which the teachers in the high school inculcated, and which repeatedly finds expression both in the Halāchā and in the Haggādā of that period. Of the same spirit are also *Shemāyā* and *Abtalion* (Sameas and Polliaer) who constitute the next pair. They are both said to be descended from heathens; but that did not in the least interfere with the respect shown to them by people and pupils; for they were very famous teachers of the Law. And when once a high priest, envious of the veneration shown them by the people, returned their good wishes in a rather unfriendly manner at the end of the Day of Atonement, and allowed himself to be entrapped into saying: "May the strangers walk in peace," both answered together: "The strangers walk in peace, for they do works of peace; not so a descendant of Aaron, who does not imitate his ancestor."

In the same spirit is what is left us of the opinions of both these men. *Shemāyā* taught: "Love manual labor, hate imperiousness, and do not ally yourself to worldly

powers." And *Abtalion's* favorite saying was: "Ye learned men, be careful of your speech, lest ye be exiled to places where there is bad water, (*i. e.* evil influences) of which the scholars who follow you will drink and might die, thus dishonoring the name of God." It is not difficult to guess against whom these words were directed, when we recollect that the exile of a pious teacher of the Law was still fresh in their minds, and that *Shemāyā* and *Abtalion* lived in the time of the Idumæan dominion. In fact *Shemāyā* was the only one who had the courage to blame with sharp words the opposition of young Herod to the Sanhedrin. He alone felt what his people had to expect in the future from the crafty Idumæan; and his presentiments became facts when the latter ascended the throne.

The Synhedrists and teachers of the Law were persecuted, and it almost seemed that the study of the Law would become extinct in its place of birth. But a Babylonian awakened it into new life. This was *Hillel*, first associated with a certain Menahem, but later taking the lead together with *Shammai*.

With *Hillel* a new spirit entered the religious life. His knowledge and experience, his mildness and beneficence, have been lovingly adorned in legend. History also recognizes him as one of the most important personages in the lists of the teachers of the Law. And even if we are not justified in considering Hillel a reformer—he was certainly a reorganizer of the place of study and popular education, and his work was of incalculable influence for the further development of Judaism. We know the times in which he lived, and the general importance of his work; and we know also that the methods of Hillel and Shammai developed into two different systems of teaching.

For with Hillel there begins in the history of the exposition of the law, the Halāchā, a new era. He first established seven rules for the deduction of the Oral Law from the Bible, which in future decided the method of study. These logical rules were: 1. The conclusion from the less important to more important, and the reverse. 2.

The similarity of the Laws as regards matter. 3. The general fundamental principle of Holy Writ. 4. A principle drawn from several passages. 5. General sayings placed in juxtaposition, with reference to some special one. 6. The inner harmony of varying decisions. 7. The general connection of the contents.

These rules were later on extended to thirteen, and even to thirty-two. In the time in which they arose, they ordered rabbinical teaching in a methodic manner, and brought the ideas of tradition into proper scientific form.

But also upon the people themselves Hillel had an important influence by means of his principles. Numerous maxims give evidence of their wisdom. A few of them will suffice to characterise the elevated spirit of the man. "Be of the pupils of Aaron, a friend of peace, a friend of all men, and draw them to the Law." "If I am not for myself—who then is for me? If I do it not for myself, what then am I? And if not now—then when?" "Do not separate thyself from the congregation." "Judge not thy neighbor until thou art come to be in his place." "Do not trust thyself until the day of thy death." "Where men are wanting, strive thou to be a man." "He who acquires a good name, has it for himself; but he who acquires knowledge of the Law, he acquires everlasting life." "A coarse man does not fear sin; an ignorant man cannot be really pious, a bashful man learns nothing, an angry man is unfit to be a teacher, a man who traffics much does not become wise."

Shammai also, who taught with Hillel, and represented strict principle in the completion and exercise of the law, had similar beneficent principles, though his character was a very positive and somewhat rough one. His maxim: "Make the law your constant occupation, speak little and do much, and approach everyone pleasantly," does not quite correspond with the rather repellant picture that is drawn of this stern teacher of the law.

The efficacy of both, however, as the heads of the school, was exceedingly marked. However much they differed in their views, their ends were one and the same. Nothing

better characterises their spirit and manner of teaching, than the story of the heathen who desired to become a Jew, if only he could learn all the Jewish doctrines during the time he could stand on one leg. Shammai drove him away; for he saw in the strict observance of the law the essence of Judaism. Hillel, on the other hand, received him pleasantly, and said to him: "That which is displeasing unto thee, do thou not unto another; that is the foundation and kernel of Judaism; all else is only commentary and support: go hence and learn it!"

Do we need after such a story any further details of Hillel's life to understand his importance, and to show the formal Rabbinism of that period in a much better light than that in which it is generally seen? Certainly not. This parable alone shows the extent of the living development of Jewish spiritual life which is due to these teachers of Rabbinical traditions. And how characteristic it is of the further course of this development that in almost all the differences between the schools of Hillel and Shammai, the mild, conciliatory and humane principle of the former teacher was victorious over the stern and uncompromising conceptions of the latter one. And so later teachers could say with justice: When the law was forgotten, Ezra came out of Babylon and reconstructed it. When again it was forgotten, Hillel came from Babylon to rehabilitate it!

In a time of quiet development the continuous influence of Hillel's ideas would have been of incalculable value to Judaism. But no such time was destined to be the portion of the Jewish people. Two great events occurred which had a determinative effect upon its development. These were the birth of Christianity and the destruction of the Jewish state.

That the teachers of the law should have withdrawn themselves into their schoolhouses and dispute hither and thither about "clean" and "unclean," "allowed" and "forbidden," whilst without there raged the wild conflict for national existence, may seem incredible. Yet if we look more closely at this maligned rabbinism we cannot deny a large meed of respect to these men and their efforts. Elevated above

temporal needs, and unmindful of the sorrowful aspect of the immediate future, they turned their attention entirely to the study of the Law. "Judaism was not blind to the events that were happening around it; it simply let them pass over it as unavoidable fatalities, confidently expecting redemption, but hoping to merit it only by a more severe regulation of life. Law in hand it would live and die." And yet unimpeachable historical testimony shows that these very rabbinical Pharisees developed a deeper insight into the necessities of the entire revolutionary times, than did all the other parties. The collection of the calender of victory, *Megillat Ta'anit* by *Eleazar ben Ananya* as well as the "*Hasmonean roll*," show their tendency to sustain patriotic sentiment in critical moments.

Hillel's son, Simon, inherited his father's mildness, as did his pupil, *Yochannan ben Zakkai*, and his nephew *Gamaliel*, called the elder. This latter was an eye-witness of great world-historical events, and a contemporary of Jesus the Christ. What we know of them, and of Simon, Gamaliel's son, throws a very creditable light both on their character and on their principles. In these troublesome times—during and after the destruction of Jerusalem, when heroes and martyrs only appear prominent, we see here reverend teachers, wise and enlightened thinkers. Gamaliel, who first bore the title of "Rabbi," taught: "Choose for thyself a teacher, seek to free thyself from doubt, and do not accustom thyself to give tithes aproximately." And *Simon ben Gamaliel* his son and the great-grandson of Hillel, said in those wild and troublous times: "On three things rests the world: on justice, on truth, and on peace." But it was Yochannan ben Zakkai who became the regenerator of the Law in the days of general confusion. His influence will be more fuly considered when we come to the period when Jewish doctrine rose anew on the ruins of the temple. Strength and energy is characteristic of the one, mildness and long-suffering of the other.

These men of the Tannaic period form a most important and pleasing historical appearance; and a clearer light

illuminates their whole time in consequence of their existence. An earnestly critical spirit, a free conception of life, a real piety, a deep desire for development, and a farseeing eye for the involved relations of the time, characterise them. As yet the law came from Zion, and the word of the Lord from Jerusalem. But soon they were to cease from these; and the ruined throne was to be erected elsewhere. But these teachers of Jerusalem—from Simon the Just to Simon ben Gamaliel, might well be shining exemplars to coming generations. And they might well also continually incite them to unceasing energy in the forward spiritual development of Judaism. And when Yochannan ben Zakkai and the other pupils of Hillel took the teachings of the master with them into exile, there accompanied them the glorified images of their masters, who had deserved so well the crown of the Law and of a good name, the crown of real civic virtue!

THE APOCHRYPHA.

Since the time that the sanctuary of religion had been endangered in the Syrian wars, an active spiritual movement had sprung up in Judaism whose chief object it was to maintain this ethical possession against the encroachments of a hostile Hellenism. To attain this object, the Law, that is the Bible, had above all things to be maintained in its integrity, and protected from additions and omissions. The preservation of the canonical book was the most important task of awaking rabbinical Judaism. The Bible was the people's inheritance. It consisted of the Pentateuch, the Prophets, and the Hagiographa, which had already been united into one collection, and which, in spite of the freedom with which they were treated and criticised in the schools, were yet regarded with the greatest veneration.

Nothing shows this more clearly than the fact that all other writings of a religious cast, including many whose contents and language were hardly distinguishable from those of some of the Biblical books, were yet entirely excluded from the Canon. They felt in them a tendency at variance with

the Biblical spirit ; and the carefulness of the teachers of the Law went so far as to again very carefully examine some of the older writings, such as the Song of Solomon, Ecclesiastes, and Job, to determine their canonicity. Still, it was only among the Pharisees that this strictness and excessive care was manifested; the Egyptian Jews had already added many other writings of a religious nature to their Greek translation and the Essenes possessed secret writings containing religious teachings and commandments.

All these writings, which had accumulated for a century or more, were known as "Genuzim," the secreted, the hidden, the excluded books. They were partly in Hebrew and partly in Greek. In the Greek translation they were called the ἀπόκρυφοι meaning the same thing ; and hence is derived the common designation *Apocrypha*. It was indeed permissible to read some of these books, but in general Rabbinism was opposed to them.

And yet these writings deserve to be known and read both on account of the religious nature of their contents and the moral teachings they inculcate. It is true that a strange and non-Biblical spirit animates some of them ; that their historical contents are largely legendary—the historical Biblical books and the Apocrypha well showing the contrast between legendary and true history. Still on account of their religious character they deserve more recognition than they seem to have obtained in the circles of the teachers of the Law.

With the Greek translation these Apocrypha came into use in the church; and after the second century, A.C.E., they were regarded exactly like the Biblical writings. At the end of the 4th century, at the Council of Hippo, Augustin brought about their readmittance into the Christian Canon, from which the Council at Laodicea had excluded them. It may be remarked by the way that the word *Cânon* was first employed by Origen. Pope Innocent I confirmed this decision, and the Council of Trent as well as the Vatican Synod agreed with him.

It was different, however, with the Protestant Church.

Luther, standing upon an historical basis, characterized them much the same as did an old Jewish teacher of the Law—"as not to be considered equal to Holy Writ—and yet being useful and good to read" Unfortunately Protestant orthodoxy forsook this view later on; for unprejudiced criticism certainly decides that it is the correct one in regard to writings which contain such charming stories, such clever maxims, so much poetic and religious worth as do the Apocrypha.

The following writings are included under this head: 1, The Wisdom of Jesus Sirach; 2, The Book of Wisdom, or the Wisdom of Solomon; 3, Baruch; 4, Tobit; 5, Judith; 6, the Third Book of Ezra; 7, Additions to the Books of Esther and Daniel; and 8, the Four Books of the Maccabees. Æsthetically considered, they belong partly to didactic poetry and partly to historical literature.

The Book of Joshua or Jesus, the son of "*Sirach*" belongs entirely to the didactic poetical class. It was written in Palestine at about 180 B.C.E. The author was a pious man, evidently closely allied to the priestly class, who as yet dreamed little of the tendencies of the newer time, and who wrote entirely from the point of view of the prophetic and poetical books of the Bible. One might almost think his work a continuation of the Proverbs of Solomon, upon which it is based, and which it frequently cites.

It was originally written in Hebrew, and about 24 fragments of the original text are yet to be found. About fifty years after it was written (130 B.C.E.) a grandchild of Ben Sirach, of the same name, translated it into Greek. As with all the other Apocrypha first written in that language, the original Hebrew text was lost, and only Greek and Syriac translations—together with the subsequent Arabian one, and a later Latin one of the time preceding Hieronymus, remains.

A mild and humane spirit pervades this book of the son of Sirach, and for ethical value it stands only immediately after Holy Writ, with the philosophical spirit of which it in general coincides. But its poetic value is far inferior. If we do indeed here and there hear healthy lyric tones, the praise of God in nature and in history, the praise of truth and

wisdom; if we do indeed find many a wise maxim which reminds us of the summer luxuriance of the didactic poetry; yet the general impression remains unchanged. We have before us a learned and artificial poem, the root of which may indeed come from the older and more vigorous period—but the flower and fruit of which belong to a time when poetry had long left its most brilliant times behind it, and nourished itself with the reminiscences of the more beautiful days of the past.

Indubitably the didactic is the most valuable part of the book—as it is the most prominent. A few songs and prayers and some historical notices are important for the correct understanding of the times in which the book was written; but they are hardly of independent poetical value.

But as regards the spirit which animates it, the book, as we have said, is equal to the best Biblical writings. Indeed its philosophy shows a spiritual ripeness and freedom at times exceeding them, and bears eloquent testimony of a development to a more universal and human point of view, the possession of which is most especially denied to those circles to which the author belonged. Nor did it owe its progress to what it had received of the Grecian spirit. It is based entirely upon the Judaism of the time, and hardly travels outside the circle of ideas which occupied the teachers of the Law at that period.

For among these men, or more probably among their pupils, is it that we must search for our author. The Sirachide is a learned man who "had closely watched and studied the course of events, and with healthy discrimination and good judgment had collected and rendered into poetry maxims of great wisdom and pure morality. Almost every condition of life is touched upon by him, the highest as well as the lowest, the spiritual as the bodily, the national as well as that of strange peoples; so that from the fulness of his thought and the worthiness of their presentation, the Sirachide has become a favorite with all natures of a practical and understanding turn."

"ALLIANCE:" THE FIRST SUCCESSFUL JEWISH COLONY IN AMERICA

By Adolphus S. Solomons.

THE recent consecration of a synagogue in Alliance, New Jersey, commonly known as "Vineland," has elicited enquiries in regard to the settlement of this prosperous Jewish Colony, the answers to which should go upon record in view of the fact that in the whirl of our busy American life we make history so rapidly, that the important transactions of yesterday are brushed aside and buried under the absorbing doings of to-day.

To such an extent is this carried that in so far as most, if not all, of the great Jewish charities are concerned, there are not a score of persons living who can give the correct history of the founding and early progress of any of them.

This is a great injustice to those who have given their hearts, brain, brawn and money to these several institutions, and it is to rescue the projectors and supporters of the Alliance Colony from this common oblivion that the following sketch, imperfect as it must be, is written by one who at this late day has seen sufficient to appreciate in part what has been accomplished while it was his ill-fortune not to be honored in doing any of the hard work which has made a garden out of a desert, and untold numbers of wretched human beings comparatively prosperous and happy.

It will be remembered that the year 1881 was marked by a degree of atrocity on the part of the Czar of Russia towards his Jewish subjects that made it necessary for many of them, in order to avoid massacre and outrage at the hands of the populace, unchecked by the military and government officials, to remove from the south of Russia to Brody, whither they had been assisted by the watchful and always practical "Alliance Israélite Universelle."

Some 1500 of these unfortunates drifted to New York in the autumn of that year, and a provisional committee assumed the care of them.

This led to the establishment of the "Hebrew Emigrant Aid Society," the officers of which were: H. S. Henry, President; D. L. Einstein and Frederick Nathan, Vice-Presidents; Joseph Reckendorfer, Treasurer; Julius Goldman, Secretary; together with a Board of forty-five Directors whose object was "to afford aid and advice to emigrants of the Hebrew faith coming to the United States from countries where they have suffered by reason of oppressive laws of a hostile populace; to afford aid and advice to emigrants desiring the help of the Society in settling in the United States upon lands of the Society or otherwise: and to check pauperism by discouraging the emigration of persons incapable of labor, and by assisting and directing the needy to industrial or agricultural employment or pursuits." Contributions came to the Treasurer with the usual alacrity which characterizes American Jews, and, with about $10,000 received from the "Alliance" of Paris made the nucleus of a fund which was largely augmented by the subscriptions from a public meeting held in Chickering Hall, New York City. The emigrants came pouring in, and an effort was made to prevent such of the Brody refugees from coming as were without trades, old and infirm or otherwise incapable of being self-supporting. Mr. Ellinger was sent to Europe to explain to the shippers of these poor people the condition of affairs in New York, and while the "Mansion House Committee" was rather discreet in their action by sending forward some 8,500 persons of a fairly good class, the German Committees rid their ports of even more than that large number. The result, as can well be imagined, was a glut that was not only embarrassing, but cruel to all concerned.

In the following July, there were 4,000 refugees on the hands of the Society at a cost of $10,000 a week for their lodging and board, without any outlet of moment for their self-support, and with fresh arrivals daily.

At this critical juncture, that broad minded philanthropist, the Hon. Jacob H. Schiff, donated $10,000 for the erection of a temporary shelter on Ward's Island in the East River, which the New York State Emigrant Commissioners had proffered for that purpose.

Another call was made for aid, and our American Hebrew population responded by contributing the munificent amount of $74,000, collected by Mr. Lazarus Rosenfeld, the Chairman of a committee raised for that purpose.

During all this time, Mr. Isaac Eppinger, the indefatigable Chairman of the Ward's Island Committee, and his able assistants; and also Mr. Kursheedt, and subsequently the late Mr. Heilprin (of blessed memory) as managers, together with Mr. L. S. Rosenstiel, were doing yeoman's duty in holding in subjection the heterogeneous mass of beings, many of whom had a vague idea that they were being deprived of untold wealth which in some mysterious manner had been placed at their disposal, and which this hard-hearted committee were diverting from its legitimate channel. Other causes contributed to make unhappy those people who had been thrust from their homes—poor though they were, but still their homes where they were born, and married and reared their children—and now they were cast upon a barren island in a strange land where the language and the people were even still stranger, if that were possible. Small wonder then, that their irritated feelings mastered their better judgment and resulted in open rebellion. However, the normal good temper of our race soon gained mastery of the situation, and nearly all became tractable, and even penitent.

Shortly after this, in August, Mr. Edward Lanterbach volunteered to present to our brethren in Europe the exact *status* of these affairs in the United States, and with the happy result that at the Vienna Conference of all the European Committees, it was agreed on a repatriation of the refugees still at Brody; to render pecuniary assistance to the amount of about $50,000 to support during the winter those already in New York, and to stop, for the time, further emigration to this country.

At the close of the year, the late Mr. J. Reckendorfer, Treasurer—who gave largely of his means and time to the work—reported the receipt of about $301,500, with a balance of cash on hand of some $52,000

The entire Russian emigration to this country during this period was about 20,000 persons, and 14,000 of these were cared for by the Emigrant Society.

From 600 to 1,000, who were chronic paupers, faint-hearted or incapacitated by illness, or other causes, returned to Europe.

At this time a plan was partially matured to purchase land and found colonies for those who desired to become agriculturists upon their own land, and about $10,000 was used for that purpose at Cotopaxi, Colorado, to which 17 families were sent under the management of Dr. Julius Schwarz. There was room there for 50 families, but as

the expense was about $600 per family, the funds at the disposal of the Society did not admit of more than a partial venture.

Among many other suggestions made was that of purchasing the public lands of the United States or lands belonging to the great railway corporations, but the cost of purchase, transportation and maintenance before the realization of crops by the colonists, rendered it impractical.

Mr. L. Gershel and Mr. J. H. Hoffman rendered great service in the establishment of Employment Bureaus through which many persons were provided with work and were no longer a charge upon the Society; while the "United Hebrew Charities," under the chairmanship of the painstaking Mr. M. Tuska, gave support in emergency cases.

In addition to the Colorado Colony it was determined to purchase a tract of land in Vineland, Cumberland Co., New Jersey, which now numbers 1,200 acres—at a cost of $18,000, all of which is now paid—the Mansion House Committee of London having come to the aid of the original purchasers and the Hebrew Emigrant Aid Society of the United States.

At first 67 families settled there, and during eight months of the first year the cost of maintaining them was about $25,000.

The land was nearly covered with scrubby trees and undergrowth, which with its sandy and sterile soil was very disheartening of success had not Mr. A. C. Sternberg, a Christian gentleman of Hartford, Conn., who is a practical farmer and with an inexhaustible wealth of resources that was simply marvellous, volunteered to initiate the new comers, many of whom had no experience whatever, in the American mode of farming. Of course, this was no easy matter, for it was harder to unlearn those who had a little primitive knowledge than to teach the modern mode, especially as the implements for working refused to perform their part in such inexperienced hands. And then how were houses to be built, trees felled, bushes dug up and burnt, the land cleared of stones and stumps and planted with something to eke out a living, all at one and the same time? *That* was indeed a hard problem to solve, but Mr. Sternberg was equal to the emergency, and kept the would-be "farmers" up to their work in a most surprising manner.

True, about seventeen families were found not fit to become agriculturists, and from $100 to $150 was given to each family to get rid of them, which served, in a marked degree, to improve the *morale* of those that remained.

The land was surveyed; lots apportioned off, roads made, and in time, planting began.

The quality of the soil and the convenient access to Philadelphia and New York as ready markets, the former being 33 miles by rail, and the latter 123 miles, made the planting of berries of various kinds, grapes, peaches, plums, pears, apples and various other fruits very desirable, and as experience has proved, it was exactly the right thing to do.

But how to *live* while the plants were maturing and a crop could be realized upon, was the vital question of the hour—no, not the hour, but of years, and it had to be met squarely and without flinching. Just then Judge Isaacs contributed $2,500 from a special fund belonging to the "Alliance Israélite Universelle," which came very acceptable, and was always a ready and able counsellor.

Ten dollars a month had to be given to each family for their support, and it is believed that about $70,000 has been the total cash outlay to date for the various expenditures.

Half of the 1200 acres purchased belonged to Messrs. Leach & Bro., the original holders. In 1884, they were urgent to collect some of the purchase money from the colonists, as well as the interest past due. The society was willing to donate to the settlers their half of the holdings, but money was not forthcoming to buy out the other half. Those who held the land of the Messrs. Leach owed $125 for their little shanty of a house, and $15 for each of their 13 acres, being a total of about $320 due by each family.

At this crisis when, as is frequently the case in large organizations a few do most of the work, there were left but Messrs. Henry S. Henry, Isaac Eppinger and Leopold Gershel to manage all the affairs of the Colony, when there opportunely appeared upon the scene Mr. Samuel Montagu, Mr. Benjamin L. Cohen and Dr. A. Asher, English gentlemen, who, before returning, were induced to confer with Dr. F. de Sola Mendes, the result of which was their going to Alliance for the purpose of comparing it with the Winnepeg Colony in Canada, and the other Western Jewish colonies, which they had already visited, and they were so pleased with the prospects of Vineland that they agreed, in behalf of the "Mansion House Fund," to buy the holdings of the Messrs. Leach which, with the other half owned by the Emigrant Society, were to be held in trust by a commission to be called the "Alliance Land Trust," with Henry S. Henry as President; Dr. F. de Sola Mendes, Secretary, and Isaac Eppinger, L. Gershel, M. W. Mendel, Simon Muhr of Philadelphia, and Leonard Lewisohn

as Trustees, the conditions being that each colonist should pay one half the cost of their property (the Messrs. Leach's half), and subsequently an understanding was arrived at for each landholder to receive a deed for his property upon his giving a mortgage for half of the amount due, payable during 10 years, a certain amount to be paid each year.

A settlement was thus made of the general fund of the Society, and from $50 to $100 was given to each colonist for the purchase of cows, poultry, implements, etc., etc.

Before this important point had been reached, the large-hearted Mr. M. W. Mendel established a cigar factory there. This cost Mr. Mendel some $2,000, and was not otherwise remunerative, though it served the admirable purpose of teaching many of the colonists a trade that is now affording them a good living.

Mr. Leonard Lewisohn provided a large number of sewing machines for the use of the women; and the young people earned considerable money, especially during the winter, and also while the men were at work on their farms.

Mrs. Reckendorfer, in memory of her late husband, contributed $1,000 for the erection of the factory and a temporary synagogue, and $500 additional was spent upon it for fixtures, etc.

The Philadelphia Hebrews also contributed during the winter of 1884-85 from $4000 to $5000 for groceries, cooking utensils, coal and stoves needful to the colonists in their struggle to maintain themselves during the maturing of their crops.

About this time the Revs. Drs. Gottheil and F. deSola Mendes, and the late Rev. Dr. Huebsch, visited the Colony and as a result, collected and sent to them $5,000 which they much needed for sinking wells and building cellars.

No payments have yet been exacted from the settlers, although several are now in condition to pay for their holdings.

The fruit trees have not yet begun to bear, but the berries have yielded this year about $15,000 or on an average $250 a farm. Grapes are fairly plentiful, and may bring in this year a nice little sum in addition, although the vines are too young yet to produce large quantities.

One of the colonists has gone quite largely into the manufacture of clothing, and has paid to his associate colonists over $11,000 in two years for work done for him, and has built for himself a really beautiful house.

Like the others who have made similar improvements,

and there are a number of them, each leaves standing his original shanty, which serves the double purpose of an outhouse and a souvenir of the manner of his style of living in the first settlement of the place.

Nearly one half own horses, wagons and a full complement of modern agricultural appliances.

Additions are constantly being made to the number of colonists, and the demand for more land comes from nearly every settler.

Mr. Julius Lewisohn of Hamburg and Mr. Schiff have generously assisted many of the new comers who have settled in the vicinity, and who number 135 families.

The outlook is now so encouraging that not an acre of land can be purchased at less than double the original cost. Quite a number have bought land with their own money brought with them from Russia, notably the Parnass, Mr. Steinberg, who purchased for cash a farm for $2,500.

Many of the young people have married and are clamoring for building lots to establish independent homes for themselves, and a surveyor is now laying out parcels of ground on the main avenue, to contain from half an acre to an acre, on which they can build houses, and have nice little gardens besides.

It is also proposed to beautify the settlement with a park of about 10 acres to be known as "Mendel Park,"—from the proceeds of the sale of lots to be devoted to that purpose.

Two and a half acres are to be given for a burial ground.

As the Colony grew in numbers and in wealth, the enlargement and betterment of their synagogue became an imperative necessity, the sequel of which was the erection of quite a pretentious "Bet-Hachanased," which was consecrated in the usual orthodox manner on Sunday, July 29, 1888.

The Rev. Mr. Tolchinski is the *Hazan.*

Addresses were delivered by the Rev. Dr. F. de Sola Mendes, Isaac Eppinger, S. Lubiroff, Moritz Halbert, George Randorf and A. S. Solomons. At the conclusion of the ceremonies the invited guests, who had been welcomed in the early part of the day with "addresses" and a procession of the colonists arrayed in their "best bib and tucker," retired to the floor below, where the school children, numbering fifty, had assembled and who sang with good effect some English lays led by their teacher, Mr. George Randorf, who is an exceedingly bright young man—a colonist—and is indefatigable in his efforts, which have proved very successful, in imparting to his pupils the

ground work of a liberal education. In the winter he also holds a night school, where adults greedily seek to learn the English language, which they acquire with a rapidity perfectly amazing. The children are quick of discernment and evidently attentive to the wishes of their conscientious teacher, whose pride in them is truly paternal. The influence for good of such an able pedagogue can not well be over-estimated, and there is every reason to believe that the confidence reposed in him by the community is not misplaced. Quite a number of children also attend the district school, although it is nearly two and a half miles distant. After the singing, a light lunch was served and toasts drank in honor of the *Parnass*, the invited guests, and Mr. and Miss Leach, who were present and much interested in all the proceedings. Although a believing Christian, Mr. Leach sends his children to the Jewish school in preference to the district school.

A carriage drive being a part of the programme of the day, invitations innumerable poured in upon the guests to visit the homes of the colonists, which were availed of as much as time would permit. At the gate of each house they were met by "mine host," his wife, and generally by a goodly number of bright, but by no means green, "olive branches," whose loyal smiles of greeting and "How-de-do'es?" indicated very plainly the transformation that an atmosphere of freedom had already produced. After a critical inspection of the growing crops, which generally were in good condition, a visit to the interior of the houses became indispensable, where a spread of cakes and wines tempted the appetite to repletion. Their hospitality was cheery, and of that unaffected, inviting kind that at once dispelled feelings of reserve. All were surprised at the remarkably good quality of the huckleberry, strawberry and grape wines of their own making that "sparkled in the cup" presented, and for which they find a ready market at $2.50 a gallon. It looks as though "*Vine*land" will prove no misnomer.

It is gratifying to observe how rapidly the colony is becoming Americanized. Everywhere the glorious stars and stripes were seen, either upon the housetops, on the lapels of coats, or waved by the tiny hands of perhaps the embryo President of the United States! Many have become citizens, and most all will shortly be entitled to the rights and immunities of full-fledged voters, and consequently immersed in discussing the intricacies of "Free Trade," "Protection," "Free Whiskey" and a "good

time" generally. While thus indulging in their newly acquired prerogatives one thing is certain, it will never be at the cost of neglected households or their own material welfare. This is so characteristic of the Jew everywhere that such conduct goes without saying, and is in marked contrast with the less provident of our foreign population.

As may be expected in such a heterogeneous mass of people, differences arise between them, and occasionally there is resort to the courts, but the masses have such respect for, and confidence in the members composing the "Alliance Land Trust," that their decisions in matters referred to them become acknowledged law, and are willingly acquiesced in.

They have applied to the postal authorities for a Post Office of their own, and the Postmaster-General has signified his willingness to comply with their reasonable request. As a sequence it is to be reasonably expected that the colonists will soon be in the throes of selecting from among their number their first Postmaster, who it is to be hoped will not soon resign the position, based upon the reason assigned by a certain Postmistress, that press of official duties deprived her of her prerogative of reading all the postal cards that passed through her office.

In conclusion, it is gratifying to add that the health of the residents is so good that the Russian doctor of the community is without patients, and has to farm, like the rest, for a livelihood. Fortunately, there have been but very few deaths. A more robust, healthy, contented and prosperous people can not well be imagined, and under the wise, directing hand of a Merciful Providence, they have to thank their benefactors who, with an anxiety and discomfort not to be expressed in words, have actively, intelligently and perseveringly labored to accomplish a glorious end which must serve for all time to emphasize the advisability of establishing *Jewish Agricultural Colonies* in the United States, wherein is exemplified the greatest of all charity—a charity that does not degrade but ennobles –HELPING OTHERS TO HELP THEMSELVES.

Washington, D. C., August 15, 1888.

AIMS AND PURPOSES OF THE ORDER B'NE B'RITH.*

By Moritz Ellinger.

IT is some years since the members of District No. 1 have met in festive gathering. Single lodges have had their entertainments and their picnics, their social reunions, but the members of the District have had no opportunity presented of realizing in its fullest extent the words of the Royal Psalmist: "Behold how good and how pleasant it is for brethren to dwell together in unity." I look upon this festival as a family reunion in anticipation of the semi-centennial, which a few years hence will be celebrated by the brotherhood throughout the world. This great assemblage bears testimony to the vitality, the adhesion, the devotion of the brotherhood, to the principles enunciated by them fifty years ago, and inspires us with the hope that its great work will continue to bear fruit, that it will attract thousands that stand outside with folded hands, while the good work goes bravely on, and that its future will be as bright with promise as its past has been productive of beneficial results. Among these I propose by no means to point to only the large sums which have been expended, and which are still being expended, for the support of widows and orphans, the erection, support and maintenance of charitable institutions, and the assistance afforded to the helpless and distressed. Deeds of charity and benevolence are common to humanity, they are the product of the emotions of the heart which beats in unison with the cry of the distressed. Undoubtedly the heart as well as the mind needs proper education and training, and religion is the great educator. But it does not follow that sect and creed need to be appealed to in order to obtain the results common to humanity, and therefore an organization is not justified in surrounding itself with a barrier of sectarianism and birth alone in order to confer material benefits. Without a higher, a nobler mission, a sectarian order has no place under the stars and stripes, and is not justified in asking the question: "Of what belief are you, and of what belief were your parents," when a well behaved member of the community knocks at the door for admission.

But the Order of B'nē B'rīth has such a mission, such a high and noble purpose, and I prize it for what it has achieved in that

* Address delivered at the Grand Re-Union Festival of the members of District No. 1, at the Colosseum, New York, August 23, 1888.

direction, and for the possibilities that are within its grasp in the future. At its very birth it started out with that mission, and has never lost sight of it for a moment. I may be permitted on this occasion to state as concisely as possible what this mission is:

"The Union of Israelites for the advancement of the highest interests of humanity." This is the only Union which bound the Israelitish people closely together through the many centuries of their wanderings, and between the places of their dispersion, however distant.

That union is born of the consciousness of being the bearer of the divine message of the fatherhood of God and the brotherhood of man, the mission first entrusted to our fathers when they began their march to civilization. This consciousness steeled their courage and made them impervious against all attacks. This consciousness makes them active co-workers in every movement initiated for the civilization, the advancement, the ennoblement, and enlightenment of the human race. They feel that their mission must be carried out to the end of days, but only in one way, and through one kind of means.

They know that the exemplification of man's nobility, and the presentation of his credentials as a son of God, consists in a pure life, in righteous conduct, in the love for his brother, and in the ennoblement of the soul by the search for truth. They know that the search for truth does not consist in dreamy speculations, in mystic problems, but in studying the designs of the Deity woven into the universe, in scanning the laws which afford us an insight into the wondrous perfection of the cosmos, and in cultivating the arts and beauties revealed to mankind throughout the long and dreary progress of ages. Thus the Order of B'nē B'rīth has written upon its banner "the purpose of uniting Israelites for the advancement of the highest interests of humanity, the cultivation of arts and sciences, and the education of its members."

This union is not one of power, nor one that affords material adventages, but which simply aims at uniting the Israelites in works which lift up humanity to a higher place, ennoble the soul, help to make the world akin and smooth the path of society struggling upward. The Order seeks to accomplish this noble purpose by educating its members through the work in its lodges, by the spirit which it infuses into its members, by the principles which it carries into practice, by the higher moral and intellectual tone which it imparts into its social gatherings, by the instruction which it affords in the lectures and information given under its auspices, by the deeds of charity and benevolence which it inculcates and practices, and in

its earnest endeavors to make each member of the Order a bright exemplar of its living principles.

To this end it seeks to break down the barriers that divide the Jews into sects, to obliterate the prejudices born of nationality, to level the divisions which arise from their adhesion to various synagogues. It teaches that the faith upon which all stand is that common to the Jewish religion, that neither Synagogue, nationality nor ritual belief need nor should divide them, that to work and labor for righteousness is a duty independent of any ritual or dogmatic belief, and that only by a union upon such a basis can they hope to fulfill their mission. Therefore they do not limit their organization, their work, their teachings to the Jews of this continent; they send their missionaries abroad and seek to sow these ideas and carry the message of spiritual redemption into the remotest corners, into places where bigotry rules on the throne of religion, where isolation and exclusion is worshiped as the Messiah, where the grand living idea of Judaism is not brought to the surface. I need but illustrate this by the evidence of the recent successful institution of a B'ne B'rith Lodge, in Jerusalem, the seat of Israel's glory and Israel's defeat. I might have almost said disgrace. In that city where the law was proclaimed from Zion, which is designated as the seat of wisdom, where every Christian sect has its votaries and its representatives, where Mohammedanism worships in magnificent Temples, Judaism is represented by a population composed of paupers. This is not the worst The missionaries of other creeds have selected it as the hunting ground for Jewish souls, where rich booty awaits them. Ignorance and fanaticism is the cause of this degrading condition. and all the funds sent there by the benevolent of the world, avail not unless light is brought there, unless the teacher is introduced who proclaims manhood and the dignity of man. A B'nē B'rīth Lodge shall be that teach. It will unfold its flag and spread the lessons which, Judaism, transplanted upon the American soil, is teaching.

That this mission cannot be undertaken nor carried to fruition without confining its operations to the people who can most successfully perform the work, is apparent. With its mission for civilization, enlightenment and education, the Order can rise and must rise to the dignity of being one of the levers and agents of civilization. This is its justification. This constitutes its ideal, its soul. As such it will live and spread blessings. Around its standard will rally the noblest and the best, those whose hearts beat for the elevation of humanity, those that understand how to make of Judaism, of religion, a living factor, an educator, a redeemer. Brethren! Let us rally around the standard, live and labor for it, bring up our children in its truth and aims, and we will inscribe our names on the list of those who have contributed, be it but a trifle, to the elevation of the human race.

Open Letters

SOURCES OF AMERICAN JEWISH HISTORY.

The suggestion has recently come from several quarters, notably from Dr. Abram S. Isaacs and from Dr. B. Felsenthal of Chicago, for the formation of an American Jewish Historical Society. In the *Jewish Messenger* of November 12, 1886, Dr. Isaacs remarked that "A memorial history of the Jews in America would be one fitting way to mark the four hundredth anniversary of America's discovery." Dr. Felsenthal in a private communication writes, "Permit me to suggest to you that you should undertake to found a Jewish Historical Society whose aim it should be to collect and to sift all the materials concerning the History of the Jews and of Judaism in America. In the archives in Washington, and in the capitals of the older colonies and states, also in the records of the older Jewish congregations of our country, and elsewhere, interesting documents may be found, and if not in extenso, at least digests of these should be published and thus the material should now be gathered from which a future historian might construct a history of American Israel. The researches should be made in some systematic manner, by men who know what a scientific method is, and what is to be understood by the term *objectiv Geschichtsschreibung*." A still further suggestion is from Leo N. Levi, Esq., of Galveston, Texas, in the August number of the MENORAH, to the effect that an organized effort be made for the collection of data and material for writing the contemporary history of American Israelites.

The brief extract from Dr. Felsenthal's letter quoted above, contains substantially the constitution and by-laws of the society which he wishes to have organized. I confess that I shrink from the thankless task of organizing yet another society. I would suggest, however, to those who are interested in the publication of the sources of American Jewish History, that they be printed from time to time in the MENORAH, and that arrangements be made to preserve the plates and to finally bring out the material in book form. It might possibly be advisable in the beginning to seek for the sources of American Jewish History on special lines. Much

interesting material for the status of the Jews before English courts can be gleaned from the three volumes recently issued as the result of the Anglo-Jewish Exhibition.

As early as 1678, the venue was changed from London to Middlesex to suit the convenience of a Jewish witness who would not attend on Saturday; in 1680, the validity of the evidence of Jews sworn on the Pentateuch was confirmed on appeal; in 1744 it was decided that a Jew's evidence is legal, if sworn on the Old Testament; in 1826 the courts held that Jews were entitled to vote in the election of a vicar, but that Roman Catholics were not. Coming down to later times, in 1860 "a bequest by a Jew in support of learning in the Beth Hamedrash (or Divinity College) and to have the prayer called *Kadish* on the anniversary of his death" was held valid.

In 1869 in the case of the abduction and baptism of a young Jewess for proselytising purposes £50 damages was recovered by the father. In 1872 the clause was inserted in the ballot act that if a Parliamentary election takes place on Saturday, the presiding officer may mark a Jewish elector's ballot for him, and in 1878 in the Factory Act, means were provided by which Jewish manufacturers closing on their Sabbath may employ young persons and women in such a way as to make up lost time, and Jewish employes in factories and workshops were permitted to be employed on Sunday, subject to certain restrictions.

The collection of similar material for America is much to be desired. The third volume of papers of the Anglo-Jewish exhibition furnishes a single title in "An act for Naturalizing such Foreign Protestants and others therein mentioned (including Jews) as are settled or shall settle in any of his Majesty's colonies in America. 13 Geo. II, c. 7, 1740." If, proceeding on this line, members of the Bar thoughout the United States would be moved to collect the enactments and cases in their respective localities affecting the settlement and status of the Jews, important material would be furnished for the writing of our history in this country. After such collections have been made means will be found for a uniform arrangement and publication of the same. As a mere matter of convenience, it is advisable that each item be written upon a separate card, slip, or sheet of paper.

This it will be understood, is but part of a scheme for the publication of the sources of the history of the Jews in America.

Persons willing to co-operate are invited to communicate with the undersigned. CYRUS ADLER.

Johns Hopkins University, Baltimore, Md.

Note by the Editor :—We cordially second the proposition of Dr. Adler, and will cheerfully open the pages of the MENORAH for the publication of the "materials," and we join our earnest request to his for communications adding that no matter howsoever crude in form, all such will be welcome. Dr. Adler as editor of this "Historical Department," will confer a lasting obligation and add another laurel to his noble efforts in behalf of Hebrew science and literature.

WOMEN'S WORK IN ISRAEL.

THE HOME ON THE HUDSON.

It seems no matter how strong the fire of enthusiasm burns within us, the holy flame of inspiration must enter at the portals of the soul before we can feel the divine touch of poesy. I reflected on this as I watched the foaming sea rising and falling, approaching and receding one cool fading day, while behind me the sun sank gently, beautifully, away from view. Unconsciously I was murmuring:

"See how beneath the moonbeam's smile,
Yon little billow heaves its breast,
And foams and sparkles for awhile,
And murmuring then subsides to rest."

"Thus man the sport of bliss and care,
Rises on Time's eventful sea;
And, having swelled a moment there,
Thus melts into eternity!"

And then my thoughts wandered out, beyond the waters and, after flitting here and there, at last found its echo and rested on a pile of brick, red and cheery, smiling in the midst of sweet thyme and mignonette, noble in its architect, nobler in its design, while at no great distance swept passed a tuneful river.

The moon by this time had passed its timid lines, and burst forth grand and glorious, and in fancy I could see some neat, bent forms glide out from the wide-mouthed doors and in soft tones talked as they walked along the pebbled path down and into the wider avenue, where gently grows the sweet lemon blade and perfumed grasses, another then another group emerged, until it seemed the flowered

walks were peopled with bent forms and silvered heads, but all were happy, very happy and some aged woman held her husband's arm as the gentle declivity quickened his motion forward, and just in the rear of these the trembling arm of an old man was wound feelingly around the waist of a weaker companion as the two tottered down the silver streaked walked, and all were happy, very happy.

It was when the moon had slipped beyond a band of gilded cloud and all was still in sleep except the ever moving, ever changing ocean, that I aroused from my fancy and touched something on my cheek that was moist; was it a tear? was it for those who receiveth or those who giveth? Ah me, it was for both. It was for those who need, and those who give. Women of Israel, think of all the heart-aches that are quieted, all the hungry throats that are fed, all the miserable tears that are sweetened by your work in human love; think of the suffering lives sinking into eternity, soothed gently in the last hour of day just before that long, dark night sets in. Like the voice which called out to Abraham from the heavens, sound your blessings.

It is with pride that I recall the names of those remaining ladies who strive to comfort those same bent forms of my dream.

There has been mention made of a long list of names so that but few remains to me.

Mrs. S. Sulzberger, and Mrs. M. Minzesheimer are sterling ladies giving the board of directresses the benefit of their practical minds.

Mrs. J. Hecht is the latest acquisition to the board, and much is expected from her active interest in matters pertaining to the "Home."

Mrs. S. May, is always disposed to act for the best, never flinching from a duty whether it be light or serious, she works hand in hand with her colleagues on all occasions.

Mrs. M. Heckscher, is a lady of retiring habits never venturing too much, but always ready to join in anything that can give pleasure to the "Home" inmates.

Mrs. Leopold Stern is amongst the youngest on the board, and while not in full possession of all the mysteries that go to make a *directresse versè*, she strives diligently to be useful.

With these last named ladies, the list of twenty-one directresses closes. There is not one whose entire endeavors are not given to the "Home" and all relating to it. All are sincere, serious and soulful. Long may their bright eyes and warm hearts see and feel for the needy.

EZRA L'ETOILE.

Rockaway Beach, Aug. 5th, 1888.

THE HEBREW UNION COLLEGE AT CINCINNATI.

From the 13th annual report of the Rev. Dr. Isaac M. Wise, the President of the Board of Governors, we make the following extracts:

Teach the Thorah, instruct, enlighten, educate was their categoric imperative, and there was no time when it was disobeyed in Israel. Every learned Israelite, prophet, Levite, scribe or rabbi was a teacher. Teaching was a special form of divine worship. When the nations of antiquity did not think of it yet, there were schools and free schools among the Hebrews, and they were never permanently destroyed either in Palestine or outside thereof, whenever the scattered hosts of Israel found a home. This life principle having been implanted into the heart of the nation from the beginning, it emboldened the prophet to predict: "Behold, when the darkness shall cover the earth and gross darkness the nation, over thee will Jehovah shine, and His glory will be seen over thee." (Isaiah, ix., 2). With the progress of education, if it is not conducted as a mere preparation for a trade, comes the triumph of charity. The mind unfolded in genuine wisdom blossoms with virtue, piety and unselfishness, of which charity, tolerance and good-will to all is the ripe fruit. Education brings man nearer to God, as the intellect approaches nearer to the supreme intellect; charity makes him God-like in sentiment and practice, as none could be all-wise, while many were and may be now all good. The good must be preceded by the true, and the true must be the progenitor of the good. Truth cultivated by education removes the barriers between man and man which error and falsehood erected; charity attracts and unites them to a sympathetic brotherhood. Love is an affection, an impulse, often an instinct or quality; charity is the fruit of deeds which actualize that affection. Education and charity are twin sisters, standing to each other in the same relation as cause and effect. This is the idea of education and charity in the literary and traditional monuments and in the life of Israel.

Then follows a history of the College including its ordinances and regulations. Dr. Wise says:—

That no test whatever, besides that of qualification and good character· none of either age, sex, domicile, religion color or previous condition shall be imposed upon either student or teacher, the college shall be forever free to all who are qualified and desirous to go through its curriculum. No fees whatever for initiation, tuition or graduation or use of library shall be charged to any student, but every advantage which the college offers shall be free and gratuitous to all its students. Talented sons of indigent parents whose intention it be to study for the ministry and to abide by this profession shall receive, through the board of governors, stipends sufficient to support them respectably. All this is certainly a higher grade of charity. The knowledge of Israel's monumental literature in the original language was widely thrown open to the gifted sons and daughters of our country, and no less to the alien

and friendless stranger; the barren woman has become the rejoicing mother of many valiant sons; many a poor man's or a poor widow's son has been raised from a lowly state to the highest moral and intellectual position, and many a parent in life eternal blesses the generous donors and the zealous administrators for the lustre shed upon his or her name by the achievements of his or her son, and Israel thanks you and them for the banner-bearers raised for him. This is certainly a higher grade of charity. That the knowledge of Israel's literary and traditional treasures shall be promulgated is the mainspring of this mental clock work. That it shall be conceived, viewed and recognized in the best prevailing light of criticism, science, philosophy and freedom is the regulator of the mainspring.

No one-sided and narrow-minded rabbis, whose learning consists of one phase of development in Israel's history, without scientific touchstone, shall go forth from this college, also none without the genuine original material produced in Israel, to which to apply the scientific touchstone — such is the will now and so it was from the very beginning of this college. There shall exist no antagonism in the minds of students between faith and reason, the divine and the profane knowledge, tradition and science, revolution and evolution as far as learning and reason can overcome it, and there shall be no hypocrisy. Therefore it was enacted from the very beginning: That none shall be permitted to enter the preparatory department of this college who is not an enrolled student or a graduate of the high school of Cincinnati or an institute of the same standard; and if enrolled and he fails in his high school studies he shall not be permitted to continue his studies in the college unless he be reinstated in his class in the high school. That no student shall be permitted to enter the collegiate department of this college who is not an enrolled student in the academic department of the University of Cincinnati or an institute of the same standard, or a graduate of such an institute and in possession of an academical degree; and if enrolled and he fails in his academical studies he cannot receive the rabbinical diploma until he shall produce the university diploma of at least B. A. or B. L. Young men to the number of forty-two, among them also Christian ministers, who have not taken the full course of this college, have acquired in this institute a knowledge of Israel's literature, which they could not have obtained anywhere else and which will cling to them in any career of life they may choose. The college has given to the pulpit the following prominent divines: Rabbi Israel Aaron, D.D., of the temple congregation of Buffalo, N. Y.; Rabbi Henry Berkowitz, D.D., of the temple congregation of Kansas City, Mo.; Rabbi Edward N. Calisch of the temple congregation of Peoria, Ill; Rabbi Samuel Freuder, formerly of the temple congregation of St. Paul, Minn.; Rabbi Louis Grossman (elected to receive the degree of D.D.) of the temple congregation of Detroit, Mich.; Rabbi Max Heller of the temple congregation of New Orleans, La.; Rabbi Moses Perez Jacobson of the temple congregation of Macon, Ga.; Rabbi Joseph Krauskopf, D.D. of the Keneseth Israel temple congregation of Philadelphia, Pa.; Rabbi David Philipson, D.D. of the Har

Sinai temple congregation of Baltimore, Md.; Rabbi Joseph Silverman, D.D. adjunct rabbi of the Emanuel Temple congregation of New York; Rabbi Tobias Schonfarber of the temple congregation of Fort Wayne, Ind.; Rabbi Joseph Stolz of the Zion Temple congregation of Chicago, Ill; Rabbi Isaac Rubenstein of the temple congregation of Chattanooga, Tenn., and also Miss Emily Bloch, B H. and B. A., licensed teacher of religion and Hebrew in the Talmud Yelodim Institute of Cincinnati.

The history of American Judaism records no precedent or parallel to this rapid rise of young students to the first positions in the land in their respective professions as recorded in the above list of graduates. In order to encourage students and authors to work in the field of Israel's literature it was resolved to confer on the most meritorious ones the collegiate degree of doctor of divinity and corresponding member of the faculty. This degree was conferred on Rabbi Salomon Eppinger, Cincinnati; Rabbi Aaron Hahn, Dr. Ph., Cleveland; Rabbi Benjamin Szold, Baltimore, and the following graduates from college: Rabbi Israel Aaron, Rabbi Henry Berkowitz, Rabbi Joseph Krauskopf, Rabbi David Philipson, Rabbi Joseph Silverman and Rabbi Louis Grossman.

The faculty is composed of the following: Rabbi Moses Mielziner, Ph. D., professor of Talmud and the rabbinical disciplines. Rabbi David Davidson, preceptor in Talmud and the rabbinical commentaries and targumim to the Bible, and instructor in Syriac; Rabbi Henry Zirndorf, Ph. Dr., professor of history and history of literature, instructor of exegesis and homiletics; Rev. S. Mannheimer, B. A., preceptor of Hebrew and Aramaic, instructor in Bible and Mishnah, with commentaries; Ephraim Feldman and Isaac L. Rypins, assistants in the Biblical and Mishnaic departments; Isaac M. Wise, professor of philosophy and theology.

The annual expenses of maintaining the College amount to $18,000, distributed as follows: Salaries of professors and preceptors $9,400: board and supplies for stipendiary students, $6,000: expense Board of Examiners, $400.; Secretary Board of Governors, $200; salary of Janitor $600; gas, water and fuel $400; incidental expenses $1,000. The present estimated value of the edifice occupied by the College is $60,000.

It is a handsome structure, situated on 6th Street, Cincinnati, in a quiet neighborhood and yet easy of access. The College library consists of 8,151 volumes, of books in nearly all branches of Biblical, Talmudical, Kabbalistic, Philosophical, Historical, Philological, Exegetic, Homiletic and Liturgic sciences with quite numerous auxilary books of modern origin. The number of students in attendance is something over 40. In a future number of the MENORAH we shall present a review, impartial but critical, of the work of the College since its foundation.

Editor's Sanctum

When Bro. Bush closed his address at the dedication of the Orphan Asylum, at Cleveland, the applause was so great and loud that his last words did not reach the reporter distinctly.

We asked friend Bush to give us the words as he spoke them or to explain what he intended, but his reply reached us too late for the August number, and the gap was filled out incorrectly.

We cheerfully make the correction and explanation in Mr. Bush's own words :

The legend that "The angels as well as evil spirits assisted in the erec ing of the Temple in Jerusalem," appears in *Talmud Babli, Tract. Gittin, 68, a*, and one of the commentators says : "Who were the Angels? answer: those who gave for the love of giving, asking neither reward nor praise; but gave for the glory of God and all Israel." "Who were the evil spirits? answer: Those who gave from pride and vanity, for self glorification; those who gave for the sake of reward only, either in this world or in the world to come."

"I feel that this might apply to those also who aided in erecting our Orphan Asylum. Some gave from the purest desire to do good, especially our ladies; others never gave until death came, and they believed that the Orphans' *Kaddish* might save their soul from purgatory. "Of course, I couldn't well say this, or explain it, on that pleasing occasion, and I only said : "The angels who helped us, are the ladies. God bless them ! Who the evil spirits are—I will not say now. I leave you to study it out,—and thank you for your kind attention."

Speaking of Mr. Bush's article in the July Menorah, the *Israelite* asks *how dare Mr. Peixotto publish it?* In the first place, we beg to call the Editor of the *Israelite's* attention to the standing Special Notices printed from our first issue underneath the Table of Contents, and which among other things distinctly states that *we do not hold ourselves responsible for any views or opinions expressed in the communications of our correspondents.* In the second place, we have never accused, nor do we so interpret Mr. Bush's article, of accusing Dr. Wise as having for his "hobby" opposition to the Cleveland Orphan Asylum. On the contrary, so far as we are concerned, we believe Dr. Wise to be now and ever since the Orphan Asylum was first dedicated, 20 years since, a friend and supporter of the

noble institution. He could not be otherwise and have had the sympathy and support which he has received. We gladly acknowledge the services he has rendered the Asylum, as we have ever acknowledged those of others. Mr. Bush, as we take it, was writing history when he wrote as he did of Dr. Wise's desire to have the fund *originally* designed for the foundation of such a truly humane and charitable institution, *devoted* to purely educational purposes, the outcome of which would be the Union College. We believed then, and we believe still, that there was and is room for the successful maintenance of both institutions, and events have proven the correctness of this belief in the successful establishment of both.

THE Executive Committee of the Jewish Publication Society of America at its meeting on the 19th ultimo in Philadelphia, at which Morris Newburger, Esq. presided, elected the following gentlemen as members of the Publication Committee: Rev. Dr. Marcus Jastrow, Sr., Mayer Sulzberger, Esq., Dr. Joseph Krauskopf, Mr. Simon A. Stern, of Philadelphia; Dr. B. Felsenthal, of Chicago; Miss Henrietta Szold, Dr. Cyrus Adler, of Johns Hopkins University, Baltimore; Dr. A. S. Isaacs, Professor Henry M. Leipziger, of New York City; and Professor Charles Gross, of Harvard University. Messrs. J. Hecht, of Boston, and J. Rosenthal, of Chicago, resigned from the Executive Committee. Mr. Herman S. Friedman, of Philadelphia, was elected to fill the first vacancy, and the other will be filled at a subsequent meeting. Messrs. Jacob H. Schiff, of New York City; Leo N. Levi, of Galveston; Bernhard Bettman, of Cincinnati; and Dr. G. Gottheil, of New York City; were elected Vice-Presidents; Mr. Herman S. Friedman, Treasurer. The Publication Committee, which is expected to meet on September 30th next, was authorized to draft rules for its government and to report to the Executive Committee at the next meeting at the call of the President. These were appointed a Committee on Finance: Dr. Joseph Krauskopf, Mr. Morris Newburger, and Mr. Herman S. Friedman. A circular embodying the objects and history of the Society will be issued by a committee having the matter in charge. Hon. Simon Wolf, of Washington, was appointed to form a General Membership Committee.

AMONG the visitors to the Sanctum during the past month have been Brother Joseph May, President of D. G. L. of No. 2, of

Cincinnati, a gentleman and brother who reflects honor upon the postion he holds. Bro. May is resolved to make an active campaign this fall and winter, with a view of increasing the membership of the District. A grand re-union festival at Cincinnati is among the proposed means of arousing the Brotherhood and making acquisitions.

Brother Leo N. Levi of Galveston, Past President of D. G. L. No. 7, and whose brilliant contributions to the MENORAH have given him a world-wide reputation, being copied in European journals, also favored us with his genial presence. At the grand Re-union Festival at the Colosseum, on the 23d ult., Bro. Levi delivered an eloquent speech, and produced a deep impression upon the vast audience, numbering several thousand. Orator, scholar, writer, Bro. Levi is also a lawyer who has, though yet a young man, acquired high reputation at the bar. Bro. Levi, with his family, is spending his vacation on the Hudson opposite Tarrytown.

FROM numerous letters received respecting the advance in the price of subscription of the MENORAH from Two to Three Dollars per year, we give the following extracts :

Joseph Hirsh, Esq., Member Executive Committee for District Grand Lodge No 7, writes from Vicksburg, August 15. "The MENORAH is a strong, able, elevated and scholarly journal and in every respect entitled to the distinction "Our Organ," representing as it does the best thought and culture and the loftiest aspirations of the B'nē B'rith. Your management has been both wise and disinterested and elicited the admiration of all liberal and enlightened men. May the New Year be a happy and prosperous one. I fully approve of the advance in subscription, and you will see that Vicksburg Lodge continues her warm appreciation of last year."

Vicksburg Lodge subscribed last year for 12 copies for the use of her members.

Lucius Weinschenk, Esq, of Chicago, writes August 7th: "In sending you my renewal subscription I beg to congratulate you upon the continued excellence of the Monthly. As the 'MENORAH' in days of old shed its lustrous rays throughout the tabernacle, awakening glad hopes and renewed energies in a then downtrodden and suffering people, so does this new MENORAH spread its gladsome light throughout the temples of the B'nē B'rith, bringing joyful messages from brethren dear and near to us throughout this glorious land. May your work continue to progress and become as it already is in fact, a mighty factor in arousing renewed enthusiasm on behalf of the Order, and especially among the young men who are ever ready to "watch and work" in behalf of the noble cause in which we are all interested, the cause of Judaism and humanity.

Most of the members of Herder Lodge—the Young Mens' Lodge of Chicago—to which I have the honor to belong, are subscribers to the MENORAH, and anxiously await its monthly appearance."

Rev. Bro. Dr. Berkowitz, of Kansas City, writes: "I heartily con-

gratulate you on the continued success of the MENORAH. Its pure and elevated style, its frank, loyal and honest conduct delight and charm us all. I hope soon to be able to again contribute to its pages."

P. W. Frank, Esq., of New York, Past Grand Saar, writes: "I gladly renew my subscription and think you have acted perfectly right in advancing the price. You have more than redeemed your promise to make the MENORAH a representative journal and we are proud of it. Every Israelite should have it in his home."

A. S. Myers, Esq., Secretary of Grand Lodge No. 7, writes from Memphis, August 10: "Herewith enclosed find check for $100 for 50 annual copies of the MENORAH which our last Convention, held at Dallas, in April, resolved to subscribe for, to be distributed among leading institutions and prominent people, that the true character of our beloved Order and its noble aims and objects may be spread broadcast in the community. The members of District No. 7 take a laudable pride in possessing such an *organ* and I trust with the coming year its prosperity will be increased and its usefulness widely extented."

Joseph Rothschild, Esq., of San Francisco, under date of 13th, says: "The MENORAH has endeared itself to the brethren of the Pacific, and is becoming more and more indispensable. Its broad scholarship, manly tone and just criticism are highly appreciated by all enlightened and true men."

A lady subscriber, (who does not wish her name given), writes: "The MENORAH is a welcome visitor in our household, and I believe myself and children enjoy it equally with my husband who is not a member of the B. B., but who has been a subscriber from the commencement, appreciating, as I do, the value of the noble effort you are making for the culture and refinement of the Jewish household. Even the most learned of its papers are devoured and the reason for this is that you seem to have attracted for your contributors those whose style is so clear, elegant and natural as to make their writing perfectly comprehensible * * * I have especially enjoyed the articles of Prof. Gottheil, Dr. Felsenthal (what a charmingly original and piquant style he has), Dr. Glover and Miriam Del Banco. * * May the lights of the MENORAH long continue to give forth the blessedly sweet light they now diffuse."

In Memory of Bro. Ex-Pres. Moses Strauss.

SCHILOH LODGE NO. 17, U. O. B. B.
ALBANY, N. Y., August 5, 1888.

Wohlthätigkeit, Bruderliebe und Eintracht.

In Veranlassung des Ablebens unseres hochverehrten Bruders, Ex-Präsidenten Moses Strauss, wurde eine Spezial-Versammlung obiger Loge gehalten und berufen und unterzeichnetes Committee ernannt, um der allgemeinen und tiefempfundenen Trauer der Loge Ausdruck zu geben. Es brachte die folgenden Beschlüsse ein, die einstimmig adoptirt wurden:

Moses Strauss ist nach dem Willen der Vorsehung aus diesem Erdendasein zur ewigen Ruhe berufen worden; so lange er unter uns weilte war er nach Kräften bemüht das Edle, Gute und Wahre zu fördern und zu pflegen. Er war in bestem Sinne des Wortes ein

Sohn des Bundes und treuer Bruder. Unsere Loge hat in seinem Dahinscheiden einen harten Verlust erlitten, und ist nun einer ihrer schönsten Zierde beraubt worden. Obgleich er ein glückliches hohes Alter erreichte, ist unsere Trauer um ihn doch eine tief empfundene. Es sei daher

Beschlossen, dass wir unser aufrichtiges Beileid der trauernden Familie aussprechen. Möge der Allgütige, der Wunden schlägt, aber auch wieder heilt, sie trösten.

Beschlossen, diese Verhandlungen im Protokollbuch der Loge einzutragen, eine Abschrift davon der trauernden Familie zu überreichen und in der MENORAH zu veröffentlichen.

Das Committee,

S. BALLIN.

Affairs of the Order

Brothers Weinschenk and Stern.—A noble example.—Herder Lodge of Chicago is the "Young Men of Israel" lodge of the Queen City of the West, and by its deeds as well as words constantly proves its high standard for excellence. Two young members of this splendid society, Bro. Louis Weinschenk, a rising lawyer, and Bro. Daniel Stern, the editor and proprietor of the *American Artizan*, who attended the dedication of the new Cleveland Orphan Asylum, have each sent their checks for $100. as the first of a yearly donation which they propose to make to that noble charity. In remitting his check Bro. Stern writes to President Hart:

"It was my good fortune to be present last month at the dedication of the new and palatial building which you and your colleagues have erected, in which to shelter the parentless children of Israel's needy, and in common with all the visitors, was not only impressed with the grandeur of your noble undertaking, but was deeply affected by the many evidences of the fruition of your labor.

You have succeeded in not only housing and caring for the bodies of the dependent and homeless young and demonstrating that of all the virtues "The greatest of these is Charity" but you have also trained their minds and inculcated teachings in their hearts, so that instead of these wards remaining a charge, they have become ornaments to society, a credit to our race, and living monuments of our zealous care.

Upon my return from the East last week, I again stopped at Cleveland and visited your family of orphan children, and notwithstanding the impressiveness of the dedicatory and examination exercises were lacking, the gleaming countenances and happy hearts of the several hundred inmates betokened their contentment with their surroundings, and their appreciation of your good endeavors.

If the sons and daughters of Israel resident in the districts which support this asylum would but visit this noble institution and witness the benefits accruing from the time, labor and money you are bestowing upon this labor of love, you would secure many recruits to your good cause.

I deem it a great privilege to be able to contribute a mite to aid you and your colleagues in this work, and herewith inclose check for $100 as my first annual contribution.

As the feelings which prompted this were inculcated by the teachings of my sainted father, who departed this life Jan. 7, 1887, I would request of you that this donation be engrossed upon your records as a memorial to him.

May God prosper you in this undertaking, is the fervent wish of

Yours very truly, DANIEL STERN.

The Re-Union Festival of the members of District No. 1 which came off on the 23d ult, at the Colosseum brought together the largest assembly of Israelites which has met together for very many years. The immense auditorium was literally packed with "fair women and brave men," and progress through the dense crowd was

effected with the utmost difficulty. It is estimated that by 10 o'clock over several thousand people filled the vast hall, overflowing into the great garden of the Colosseum. Two bands discoursed the music, L. Eppinger conducting the dancing programme, which was not only excellent but participated in by countless terpsichoreans. The whole affair was a great success and the financial result proved a handsome contribution to the Home and Maimonides Library funds, for which the great entertainment was given. In presence of such a vast audience constantly on the move and continually talking, oratory was quite out of the question and yet Bro. Moritz Ellinger, Bro. Leo N. Levi and Bro. B. F. Peixotto made addresses. Bro. Ellinger's oration was an eloquent exposition of the "aims and purposes" of the Order B'nē B'rith and we present it on another page for the edification of the readers of the MENORAH.

The Committee of Arrangements deserve the highest praise for the successful manner in which the whole of this grand festival was conducted and we congratulate the brethren of the District upon the generous manner in which they seconded the efforts of their representatives.

Official visit to Plattsburgh, N. Y.—President Morris Adler, accompanied by first Vice-President Myer Hellman, and Ex-President Joseph Fox, paid an official visit on the 19th ult., to Joel Lodge No. 118, located at Plattsburgh, N. Y. Much interest was manifested in the event, as it has been nine years since the last official visit was paid. The brethren of the lodge were fully represented, and the addresses of the visiting grand officers were listened to with great attention, and much important and valuable information regarding the brotherhood was imparted to the brethren. In response to the speeches, addresses were made by Governor Henry Cane, a resident of this city, member of Joel Lodge, who came to Plattsburgh for the special purpose of being present on this occasion. The address to the grand officers was made by Bro. Marcus Wertheim, the efficient President of the lodge, ex-President Schiff, Bros. Miller, Merkel, Ries, and others After the meeting the visitors were escorted to the Foquet House, where a sumptuous banquet had been prepared in honor of the distinguished visitors. Eloquent speeches were made and the best of fraternal feeling prevailed. The members of Joel Lodge vied with each other to make the occasion a success and the result of the visit has produced new life and animation in this excellent provincial lodge.

Pacific Coast Lodges.—Oakland lodge, initiated twelve candidates last term.—Semi-Tropic Lodge of Los Angeles admitted six new members last month.—Grand President Elkus last week installed the officers of Nevada Lodge, No. 52, and Carson Lodge, No. 292. At the close a fine banquet was given, at which many ladies were present, including delegations from Carson City and Reno. The Grand President delivered an able address, after which a fine musical programme was given.—Ophir Lodge paid $1430 for sick benefits during last term; Golden Gate Lodge, $685; Unity Lodge,

$485; North Pacific Lodge, $440; Modin Lodge, $380; Etham Lodge $380; California Lodge, $365; Oregon Lodge, $325; Oakland Lodge, $300; Montefiore Lodge, $290; Columbia Lodge $230.—A grand benefit will shortly be given at one of the leading theaters for the benefit of the library.

The Cincinnati Israelite and District Grand Lodge No. 1.—The Officers and General Committee of District Grand Lodge No. 1, New York, indignantly deny the assertion of the *Cincinnati Israelite* "*that Bros. Bien and Thalmessinger hire* THE AMERICAN HEBREW *to abuse the Hebrew Union College and its President and pay for the same out of the funds of the District Grand Lodge.*" The Executive Committee of the Order have no control whatever over the funds of the District Grand Lodge, and any such statement as that of the *Israelite* would be absurd and ridiculous were it not that some outsiders might possibly be led astray by misrepresentations. Gentlemen and Brothers of District Grand Lodge No. 1, don't be angry with our facetious contemporary; this is only one of its charming humoristic side-splitting jokes for which it has become so *famous.*

Virginia City.—A joint meeting of *Nevada* and *Carson City* Lodges was held on the 14th July and the newly elected officers were installed by Grand President, Albert Elkus, Esq., of Sacramento, in an impressive manner. The occasion was further enlivened by an eloquent address delivered by Miss Millie E. Meyer, a young lady of great intellectual promise, her subject being "Character and Benevolence." We hope to publish this admirable essay in a future number. Brother Elkus, in renewing his subscription, writes: 'I heartily approve of the increase in price, the MENORAH is fully worth the advance and such is the interest taken in the work on the Pacific Coast that I feel assured there will be no falling off in subscribers."

Mt. Carmel Lodge No. 20, *Cincinnati.*—At a sparsely attended meeting of Mt. Carmel (Rev. Dr. Isaac M. Wise's) Lodge, it was resolved to discontinue her subscription of $3.00 per annum for the MENORAH. We hardly think this action will be approved if a full meeting should be called, and in view of the fact of the past high record of this old lodge, we think the matter ought to be reconsidered. We decline to believe that the action taken was dictated by our reverend friend, the editor of the *American Israelite.*

Death of Ex-President Moses Strauss.—Resolutions passed by Shiloh Lodge No. 17, of Albany, N. Y., on the death of Bro. Ex-President Moses Strauss will be found elsewhere. Bro. Strauss was greatly beloved for his upright and benevolent character, and in commemorating his memory Shiloh Lodge has but expressed the sincere sentiment of the community in which the late brother lived and was honored.

OFFICIAL DEPARTMENT.

CONSTITUTION GRAND LODGE

REPORT OF THE EXECUTIVE COMMITTEE.

1887-1888.

OFFICERS AND MEMBERS

OF THE

EXECUTIVE COMMITTEE,

Constitution Grand Lodge, I. O. B. B.

JULIUS BIEN, President,	New York
JOSIAH COHEN, Vice-President,	Pittsburg, Pa
M. THALMESSINGER, Secretary,	New York
ISIDOR BUSH, Treasurer,	St. Louis, Mo
Wm. Lovenstein,	Richmond, Va
Joseph Hirsh,	Vicksburg, Miss
Edward Rubovits	Chicago, Ill
Joseph Bien,	San Francisco, Cal
D. Wolff,	Berlin

REPORT OF THE PRESIDENT OF THE

EXECUTIVE COMMITTEE I. O. B. B.

1887—1888.

The following reports of my colleagues of the Executive Committee will present the state of the Order in their respective Districts during the fiscal year closing June 30, 1888. Before reviewing or submitting my own report, I would earnestly urge careful perusal of these several documents by the Brotherhood :

(*Continued from August* MENORAH.)

DISTRICT No. I.

BRO. JULIUS BIEN, *President Executive Committee, I. O. B. B.*

MY DEAR SIR AND BRO:—As representative of District No. 1 in the Executive Committee of the Constitution Grand Lodge, I have the honor to report that the condition and progress of this, the mother district of the Order, is satisfactory and gratifying; the membership appears to be on the increase, and the apathy of the brethren in the affairs of our organization, of which loud complaints were heard, is giving way to greater interest and livelier participation.

The material interests, which seemed to absorb the whole attention of the members, is receding through the satisfactory settlement of the endowment question, and brethren are becoming awakened to the lofty aspirations which gave the Order its foundation and *which alone justify its existence.* This change is due partly to an enhanced comprehension of the leaders and officers of the District, of the needs of an active propaganda for the general diffusion among our brethren of the aims and purposes and the mission of the Order, partly to the step forward taken by the Executive Committee of the Order, in directing the attention of the brethren to the work to be done, with a view of spreading and disseminating our principles and our methods.

The Committee on Intellectual Advancement have taken active steps to advance intelligence. They are perfecting measures for courses of lectures, entertainments of an instructive character, which encourage the development of social culture and refinement It is true, the measures are still in a state of preparation, there was not time yet for the new regime to perfect plans and carry them in operation, but evidence has been given of a spirit wide-awake of the necessity of the hour.

The information given in connection with the appeal in behalf of the Hebrew (German) Orphan Asylum and the Hebrew Technical Institute at Jerusalem has directed attention to the demoralized condition, the mental depravation of our coreligionists in the East, and the necessity of extending our light to those benighted regions. The question was very near why we pass by the thousands that have flocked to this country within the past ten years, who stand in great need of our sympathy, our helping hand and our fraternal encouragement. These people, driven to our shores against their will by the tyranny of an absolute ruler and the fanaticism of a barbaric mob, incited to deeds of violence by cunning agitators who seek advantages in the upheaving which they cause, come here to stay, to make it their abiding home for themselves and their children, who will become in the near future as part and parcel of this great commonwealth.

Their identification with the civilization of this country, with the aspirations of freemen, with the spirit which is the true ingredient of American nationality, is not only desirable in the highest degree, but is easily encompassed. It should therefore be our aim to elevate them, teach them and train them, and bring them in accord with the demands of enlightened citizenship. Nor can we begin too soon. The conflict between the ideas, habits and customs of the recent immigrant with the ideas, habits and customs of this country involves a conflict between parents and their offspring, and paralyzes the benevolent influence of the home-training. However, this work of emancipation requires heavier sacrifices, materially and morally, than is apparent on the surface. It requires missionary labor of no light endurance. Prejudices must be overcome, time spent and energy expended. It should be done, however, and I know of no labor more meritorious than this. However, the accomplishment calls for a broad conception of the

duties involving upon a true son of the Covenant; conception and devotion rising beyond the common purpose of merely increasing our ranks numerically and bettering the chances of material success. The efforts made by the present regime in our District, are certainly laudable in the highest degree and the untiring energy of the pres ding officer and his general committee merit our recognition.

Nor must we forget that the labor in this direction was forced upon the two recent administrations by the check which the District has received through the unfortunate agitation concerning the endowment question, so happily laid at rest now. But I fear the danger which must naturally arise from the expenditure of our entire energy upon our material growth. Our ideal aspirations must suffer thereby, they are relegated to the second rank, at times lost sight of entirely and our *raison d'etre* is placed in the shade. Our Order has been endowed with a sacred mission from its very start. This mission has grown and its needfulness has become more apparent with every new branch that has been added. This mission, which is nothing more nor less than the intellectual and moral elevation of our race, and that not for selfish purposes, but as an integral part of the forces that advance humanity to a higher plane, must be kept constantly in view. And the movement initiated by the executive committee in favor of two educational institutions at Jerusalem, was and is part and parcel of that mission. It is a clear demonstration that the Order not merely professes co-operation with the work of education, but acts it out. It establishes a moral and tangible connecting chord between our brethren in the East and those of the West. Rightly understood the appeal should have been received with alacrity in our District and welcomed as a move in the right direction. It would have been so if all the leaders of our District had entered into the spirit of it with zest and with the heartiness born of true appreciation of a noble object ; then, indeed, instead of a response from merely a part of our lodges, not one of them would have remained passive. Yet, ideas that have the genuine regenerative ring in them grow but slowly, and I feel confident that with every year the true inwardness of the B'nē B'rīth will be better understood and find wider appreciation, and District No. 1 will surely be found in the front rank of progress and civilization.

The suggestion which I had the honor to make in my last report, concerning the proper celebration of the semi-centennial anniversary of the Order has been taken up by our District and a committee has been appointed to take the matter in consideration and report to the Grand Lodge at its next session. In the meanwhile a spontaneous movement in anticipation of the event has been inaugurated, which promises to arouse the feeling of fraternal unity in the District and to bring new life into the brotherhood. I allude to the grand reunion festival which is being held on the 23d of August and which is expected to bring together the largest gathering of members and their families witnessed these many years.

The lodges, from the moment of inception, seem to have taken up the movement with great approval, giving evidence thereby that the old B'nē B'rīth feeling is as active and generative as ever.

The proceeds, which are expected to be considerable, will be applied to the B. B. Home for the Aged and Infirm, and to the Maimonides Library. Both institutions are in need of funds.

The regular annual contributions of the members, fixed at $1.50 per capita, for the support of the "Home" are not enough to maintain it in such a manner as the brethren wish. The "Home" is the pride of District No. 1. To the visiting stranger it does not make the impression of a charitable institution; rather that of the residence or retreat of a wealthy private gentleman who has concluded to withdraw from the active world and spend the rest of his life in retirement. Situated on one of the beautiful spots on the Hudson, from which a fine view of the "American Rhine" can be had, surrounded by a well-cultivated garden and amidst the villas of summer-residences of New York merchant princes, it is indeed a princely monument of brotherly love, to which our brethren pilgrim as to a shrine of worship, and which occupies a large share of the just pride of the brethren in their institution.

But the income derived from the provisions made for it at present is not sufficient to maintain it permanently. Various propositions were made and most earnestly discussed at the last session of the Grand Lodge for increasing the income, without imposing heavier taxation upon the members generally, not all of whom are capable of bearing a greater burden. It was finally determined to institute an "auxiliary society" consisting of brethren who are able and willing to *voluntarily contribute* a stated sum annually for the sup-

port of the "Home," in addition to the regular contribution fixed by law.

As the result to be derived from the Reunion-festival mentioned above, can at best give but a temporary relief, it is expected that the gentlemen who will volunteer to put themselves at the head of this movement, will receive the support and encouragement of our General Committee, when a sufficient number of brethren will enroll their names on the list of membership, thus securing a respectable sum, on which the hard-working governors of the "Home" may base their calculation for the yearly expenditures of the institution.

The Maimonides Library is also much cramped in its activity and usefulness for want of funds. Its circle of readers is constantly increasing and the demand is growing for a class of books that involve considerable of an expense and which can not be obtained for lack of money.

Thus the proceeds of the Festival will be turned to two of the worthiest objects.

The question of a new ritual has been mooted lately, and voices have been heard, mostly coming from the West, which are desirous of exchanging the simplicity of our present ritual for one of greater ceremonialism, mixed with mysticism.

I thought we had passed the stage when brethren would desire to call back the age of childhood and demand a toy for which the grown-up-man has no understanding. In my opinion, our present ritual, by its very simplicity, the perspicuity of its expression, the clear and unambiguous definition of our aims and objects, makes a grander impression than all the ceremonialism which has preceded it. It leads men to thoughtful considerations and can not be disposed of by the intelligent man with a smile or the shrug of the shoulder.

This very ritual, more than anything else (and I know whereof I speak) has aroused the enthusiasm of those intelligent coreligionists who have made the Order, in the space of a few years in Germany, an institution respected, honored and looked up to. Our age is not one which tolerates toys for adolescents. Let those who cry for the "flesh-pots of Egypt" beware, lest they may make their calculations without consulting our German brethren, whose unanimous endorsement has repeatedly been affixed to the present ritual.

However, if those who are crying out aloud for a change of ritual, mean business in good earnest, let them go to work with a will, draft a new "ritual" in accordance with their own views and taste, and if their work should prove a meritorious one, worthy of our age and aims, I, for one, will cheerfully give it my support.

"*Das Werk* soll den Meister loben,
Doch der Segen kömmt von oben."

The Hebrew Technical Institute, in the administration and management of which this District is officially represented, has made gigantic strides for the short period of its existence, in preparing our Jewish youth for such trades as require mechanical skill, and only a short time ago a department for the instruction of practical electricity has been added thereto. Quite a number of boys of poor parentage, who have successfully passed through this excellent institution, have found remunerative employment in different spheres, and have thus become "a blessing to themselves as well as to others!"

Let me, therefore, hope that our worthy Grand Lodge, at its next session, will emulate the good example set by a kindred society, and vote a sum for the maintenance of the Technical Institute.

As for the financial and numerical condition of our District, I beg to refer you to the report and statistical tables of our efficient secretary. The figures therein contained deserve your attention and perusal, as they speak louder than words, what amount of good and praiseworthy work is being constantly done by the "rank and file" of our beloved Order.

M. Thalmessinger.

New York, August, 1888.

COURT OF APPEALS I. O. B. B.

DECISIONS IN THE CASES OF

AMITY LODGE No. 267

against

DISTRICT GRAND LODGE No. VII.;

OAKLAND LODGE No. 250, APPELLANT,

against

LEON HERSHBERG, APPELLEE;

AND

ELIM AND WEST VIRGINIA LODGES

against

DISTRICT GRAND LODGE No. III.

COURT OF APPEALS.

Joseph Abraham, President,	Cincinnati, O
Adolph L. Sanger,	New York
M. K. Cohen,	Philadelphia, Pa
Jacob Greenebaum,	San Francisco, Cal
Simon Wolf,	Washington, D. C
Adolph Kraus,	Chicago, Ill
Leo N. Levi,	Galveston, Tex
Jacob Schroeder,	Cincinnati, O
Morris Goodhart (For D. G. L. No. 8),	New York

DECISIONS.

COURT OF APPEALS, I. O. B. B.

APPEAL LXXX.

AMITY LODGE NO. 267,

vs.

DISTRICT GRAND LODGE NO. 7.

Upon the failure of heirs, assigns or representatives of a deceased member, and his neglect to designate some person to receive the benefits accruing; the Endowment fund collected by the Grand Lodge, and delivered through its secretary, to the Lodge, of which the deceased was a member, shall be returned to the District Grand Lodge.

Appeals to the Honorable Court of Appeals, from a resolution of the District Grand Lodge No. 7, ordering the return of an Endowment fund from Amity Lodge No. 267. The deceased brother neglecting to name a beneficiary, and having no heirs or representatives.

STATEMENT OF FACTS.

Brother David Nathan, an unmarried member of Amity Lodge No. 267, died in 1878. His death was duly certified to the Grand Secretary of District Grand Lodge No. 7, who in compliance with the constitution of the Order, sent fifteen hundred dollars to the trustees of Amity Lodge, who duly receipted for the same, that sum being the endowment due and payable upon the death of a member of the Order of that District.

No heirs, assigns or representatives of Brother Nathan could be found after diligent search therefor. The sum is still held in the custody of Amity Lodge No. 267, and in charge of its trustees. The

District Grand Lodge No. 7, by resolution, orders the return of the fifteen hundred dollars. Amity Lodge declines to refund the money and refuses to comply with the resolution, and appeals therefrom to the Honorable Court of Appeals.

APPELLANT'S POINTS.

Amity Lodge, No. 267, insists and urges that it is entitled to the fund and should not be compelled to return the money on the following grounds:

1st. Because there is no law in the District requiring the money to be refunded.

2d. That the District Grand Lodge cannot make such demand without authority of law.

3d. That the District Grand Lodge is not entitled to the custody or ownership of the fund.

4th. That the money justly belongs to Amity Lodge, upon the failure of heirs, assigns, or representatives of its deceased member, and has a superior and valid title to the money in the absence of any legal heirs.

Amity Lodge further insists, that under the law of the land, the said money in the absence of legal heirs, would rightfully belong to the State of Mississippi, as heir paramount to any claims that could be made, but for the provision made in Section 2 G of Article xiii.

Citing Revised Code of Mississippi 1871, Sect. 1844, p. 393, re-enacted in 1880, Sect. 881, p. 261.

In support of the above propositions Sections 13 and 15 of Article 13 of the Coustitution of District Grand Lodge No. 7, and also Section 2, G. of Article 13 of the Constitution above mentioned.

RESPONDENT'S POINTS.

The District Grand Lodge No. 7, urges and insists in reply to the appeal and in justification of the resolution appealed from.

1st. That the Endowment fund, is a *District Fund*, created by the District and contributed by every member of the District.

2d. That the fund is held by the trustees of the several lodges of the District, specifically termed in Section 4, Article 13 of the Constitution of District Grand Lodge No. 7, *The Trustees of the*

District Endowment Fund.—That these trustees are virtually officers of the District Grand Lodge charged with specific duties prescribed by the Constitution of the District Grand Lodge.

3d. That the Endowment Fund is under the absolute control of the District Grand Lodge.

4th. That while the Endowment Fund, in accordance with the Constitution, is held by the trustees of the District Endowment Fund, in the respective lodges of the District, it is none the less a *District Fund* over which the lodges have neither power nor jurisdiction.

5th. That all sums collected in compliance with the law for the Endowment Fund of the District, are the property of the District Grand Lodge, and *can only be disbursed*, for the purposes specifically designated by the Constitution of the District Grand Lodge.

6th. That these funds cannot be diverted and must remain the property of the District Grand Lodge. to be legitimately applied to meet the obligations of the District, for which said fund was created.

7th. That the mere compliance of the secretary of the District Grand Lodge with the letter of the law of the District, cannot in the remotest degree, affect the status of the Endowment Fund.

8th. With reference to provision of the Revised Code of Mississippi cited by appellants: The law of escheat referred to is not applicable in the present case, since the laws of escheat do not apply to any property not extant in the State, or due to or by parties out of the State.

In support of the above propositions, Sections 1, 2, 3, 4, 5, 8, 23 and 26 of Article xiii, of the Constitution of District Grand Lodge No. 7 are cited. It is also insisted that Section 2, G. of Article xiii. of the said Constitution, does not apply, having been adopted subsequent to the death of Brother Nathan and if applicable at all, is only so, to a death occurring subsequent to its adoption.

DECISION.

HELD, 1st. That Amity Lodge is not entitled to the fund: Shroder, Levi, Wolf, Kraus and Goodhart, J.J. Abraham and Cohen J.J. Contra.

2d. That the appeal be dismissed : Levi, Wolf, Kraus and Goodhart, J.J. Contra, Abraham, Shroder and Cohen.

3d. That the District Grand Lodge No. 7, be and hereby is directed to place the said fifteen hundred dollars to the reserve fund of the District : Shroder, Levi, Wolf, Kraus and Goodhart, J.J. concur. Abraham and Cohen J.J., contra.

Shroder, J. concurs because the court decides the second syllabus to be law. The conclusion declared in the third syllabus is correct.

Abraham J., dissents on the ground that no part of the money having come from the Grand Lodge treasury, and never having been in its possession or control, and being lawfuliy held by appellant it can only be taken therefrom by one having a superior right.

Cohen. J., holds that the appealing lodge has the right to hold the fund, subject to be paid to the heirs of the deceased brother.

The appeal is dismissed.

OPINION OF MAJORITY OF THE COURT DELIVERED BY KRAUS, J.

In 1878 David Nathan, a member of Amity Lodge, District No. 7, died. The Grand Lodge collected the Endowment Assessment and paid it to the trustees of Amity Lodge. No heirs have claimed the fund, nor can any be found.

At a session of District Grand Lodge No. 7, held in 1886, Amity Lodge was ordered to return the money to the District Grand Lodge. From this action Amity Lodge appeals.

This case must be decided under the laws which were in force in District No. 7, at the time of the death of David Nathan. The Endowment Laws then in force in that District were very loosely, and vaguely drawn. Appellant claims that under Section 7, of Article 13, Constitution of District No. 7, Amity Lodge is the owner or at least entitled to the possession of the money as against everybody excepting the heirs of the deceased. Section 7, provides as follows:

"Within ten days after receipt of the amount due from lodges the G. S. shall pay the sum of fifteen hundred dollars to the trustees of the lodge wherein the death occurred, and shall then deposit the receipt of said trustees therefor, together with the statement of the different secretaries, and all surplus funds in excess of said sum of fifteen hundred dollars with the trustees of the Endowment Fund."

There are no other provisions of the law applicable to the case, excepting probably Sections 1, 2, 4 and 22 hereinafter referred to.

A literal construction of the law might tend to sustain appellant's view, but if we should hold that this position is correct and that Amity Lodge becomes the legal owner of the money in this case, why not in all cases, even in cases where heirs are found? There is no express provision in the law requiring the trustees of the lodge of which the deceased was a member to pay over the fifteen hundred dollars to anyone, and therefore, under such construction, the lodge might claim to be legally entitled to the money in every case.

It appears clear that we must try to find out what the intention of the law-makers was when they adopted these laws. Would anyone claim if, instead of the provision in Section 7, that the Grand Secretary shall pay the money to the trustees of the lodge, it would read that he should pay it to a bank in the city in which the deceased resided, that therefore the money belonged to the bank in case no heirs were found? I hardly think so.

It therefore appears clear to us that the intention of the makers of the law was, that the trustees of the lodge shall act as agents for the Grand Lodge; in other words, as distributors of the fund. The reason for this undoubtedly was, that the trustees of the lodge would be in a better position to know who the beneficiaries are in each case than the Grand Lodge officers, who in most instances reside at a place distant from the place where the heirs are supposed to reside.

The main and in fact the only question is, what is the relation of the Grand Lodge to the heirs of a deceased member? Is it the relationship of creditor and debtor, or does the Grand Lodge only act as bailee for the beneficiaries? If the latter, then the position of appellant would be sustained. If the former, not.

By the adoption of the Endowment Law, the District entered into a contract with each member of the District, that the District Grand Lodge will, upon the death of a member, collect from its members and pay over to his heirs the sum of fifteen hundred dollars. This contract is not made by a member with any individual lodge, but with the Grand Lodge representing all the lodges. Therefore, as soon as he dies, the relationship of debtor and creditor between his heirs and the Grand Lodge is created, and the heirs have a right to sue and recover against the Grand Lodge. Let us assume that this case

should occur: A member of a lodge dies leaving heirs. The Grand Lodge levies an assessment, collects the money, and forwards it to the trustees of the lodge of which deceased was a member. Before, however, the money is paid over to the heirs, the Grand Lodge discovers that the deceased became a member through fraud practiced by him, and that therefore his heirs are not entitled to the money and that the members of the District should not have been assessed on account of his death. Under such circumstances the right to stop the money from being paid to the heirs could not be questioned and what right would, say Amity Lodge, have to the fund under such circumstances?

Could it be reasonably claimed that because Amity Lodge got possession of the funds under such circumstances that it became the owner of them? It appears clear that the Grand Lodge could exercise rights of ownership over the funds as against the heirs of the deceased, before the money is paid over to them or against the lodge of which he was a member; and if in a case of that kind the Grand Lodge would have authority, (as it undoubtedly has) to order Amity Lodge to pay back the money, why not in this case?

Section 1, of Article 13, provides as follows:

"A fund shall be established to be known as the Endowment Fund of District No. 7, I. O. B. B., to which every member of this District shall be a contributing and participating member."

Section 2 provides as follows:

"The object of the fund shall be to secure, on the death of a member in good standing, to his widow, children or other legal heirs representatives or assigns, the sum of fifteen hundred dollars, which sum shall be collected from the members of the Order in the District in the manner hereinafter prescribed."

Section 4 provides, that each lodge upon the death of a brother shall forward the sum of one dollar to the Grand Secretary, from each and every member of the lodge.

Section 22 provides, how, if a charter of a lodge is revoked, the members can remain participating members by contributing to the fund and by forwarding the amount due from them for an assessment to the Grand Secretary.

Section 1, and in fact all these sections, show that the intentions of the framers of the law was, that the District should have control of the funds, to which each member shall be a contributing and partici-

pating member; that the District is the contracting party who is liable to the heirs of the deceased; and the funds until paid over to the heirs are in every instance under the control of the Grand Lodge.

Of course this decision can have no application to any case arising under the law now in force in District No. 7, as to the rights of the lodge of which deceased was a member.

J. SHRODER, J., DISTRICT NO. 2.

I concur in the first syllabus and dissent from the second.

This Court having decided the second syllabus to be law, upon the ground of this decision being the final and best evidence of what the law of the case is, the conclusion declared in the third syllabus, in my opinion, is correct. Upon that ground I concur therein.

M. K. COHEN, J. DISTRICT NO. 3.

This is an appeal from the action of District Grand Lodge No. 7, which, in May, 1886, ordered Amity Lodge to surrender to the Grand Lodge the sum of $1,500, now in the hands of said Amity Lodge.

The facts appear to be as follows: In 1878, Brother David Nathan, an unmarried member of Amity Lodge, died. After due notice the Grand Secretary, in accordance with the law, paid $1,500 endowment money to the trustees of Amity Lodge, and the receipt therefor was handed to the Grand Lodge. Up to this time no persons entitled to the fund have been found, and from the papers in this case it is evidently assumed by all parties, either that no such persons ever will be found, or, that if now found, their claims will have lapsed. Upon this question no argument has been presented, and perhaps it may not be necessary to suggest an opinion thereon in this appeal, especially as the parties concerned in such a possible claim are not before us.

The real question for consideration therefore is: Had the District Grand Lodge the power in May, 1886, to change the trustees of this fund? The laws bearing upon the subject, so far as they are submitted to us, provide for the payment of $1,500 to the trustees of the lodge wherein the death occurred, for the purpose of payment to the widow, children, or other legal heirs. No time is

specified for the duration of this trust, and the obvious implication is that it subsists until the proper parties can be found, or until it may legally be adjudged that no such parties are in existence.

It may be within the power of the Grand Lodge to pass a general law equally affecting all lodges, whereby sums so held in trust, may be taken from one class of trustees and handed over to another class of trustees, substituted in their place, and it may likewise be within their power to pass general laws providing for the disposition of funds lapsed under circumstances like the present.

Indeed such a law was passed in 1882, which makes the lodge, of which the decedent was a member, the sole beneficiary in the event of such a lapse.

But, until there is a legal ascertainment of the failure of heirs, this latter question cannot arise, nor have we here a case of a general law providing for a change of trustees.

The Grand Lodge simply ordered the trustees of the particular fund to give it to somebody else without any apparent reason or law. For this there was no authority.

The judgment, therefore, should be that the resolution of the District Grand Lodge of May, 1886, be reversed, and that the trustees of Amity Lodge hold the fund in dispute, in trust for the legal heirs of David Nathan, subject to such laws now in force, or that may hereafter be enacted for the regulation of such trusts.

MORRIS GOODHART, J. DISTRICT NO 8.

The main facts in this case are not controverted by the respondent and it thus appears that a member of Amity Lodge died in 1878. He was unmarried at the time of his decease. The usual assessment was collected and the sum of $1500 paid to the appellant to be paid to the beneficiaries pursuant to the law. There is no evidence whatever to show that decedent at any time complied with Section 6, or Article XIII which laws were in force at the time when the brother departed his life. The section reads as follows:

"Each member shall designate to his lodge (in writing) the name of the person whom he intends to benefit by his membership in the event of his death; and the Secretary of each lodge shall, after the promulgation of these laws open and keep a book wherein he shall enter the names of all members of his lodge, their residence, post office address, and the name of the person to whom each mem

ber intends to make his endowment payable, and send a copy thereof to the G. S. He shall also file all such written designations of endowments benefits for safe keeping and further reference. No transfer of beneficiary can be made, except on due notice, in writing, addressed by a member to his lodge."

This section is mandatory and in the absence of any evidence that the decedent had complied with this law, I must conclude that he had failed to do so That being so his heirs are not entitled to the fund collected to pay this endowment and the same should revert to the District Endowment Fund. The Lodge is not the beneficiary and should not be custodian of a fund which it has no right to retain.

Mandel vs. District Grand Lodge No. 1, I. O. B. B.

Ullman's Jurisprudence, page 56, Appeal 23.

If the appellant is not the legal custodian of the fund collected to pay this endowment then the Grand Lodge is, because the purpose for which it was collected from all the contributory members of the respondent has failed. The decedent did not comply with the law which required him to designate to whom the money should be paid, and next th re are no discovered beneficiaries entitled to receive it. In either event, however, the sum collected should be returned to the source from whence it came and the appellant is not entitled to its custody either as beneficiary or as in *custodia legis*. The whole system of the endowment of the respondent in force in 1878 goes to show that the latter is the proper authority to dispose of the surplus. It being provided by sections 8 and 13 of Article XIII that "The Trustees of the Endowment Fund shall pay all the expenses of the Fund out of the said surplus on call, receiving such security as they may deem safe and proper; and whenever such surplus shall reach the amount of fifteen hundred dollars or more, the same shall be employed in paying the next succeeding endowment, and when so adjusted the assessment provided for in Sec. 4 shall not be levied."

Sec. 13. The Board of Trustees shall invest the Reserve Fund at interest, with approved security, and when said Fund shall have reached the sum of Ten thousand dollars, the interest arising therefrom shall be applied to the payment of future endowments" Thus showing the intention to dispose of moneys collected in cases like the one under consideration by the establishment of a Reserve Fund. Neither is the contention of the appellant correct, that in the absence of legal heirs this money would rightfully belong to the

State of Mississippi. The section of the Code of that State to which we are referred provides that "If any person shall die intestate who was seized of, or held either in possession or in right, at the time of death, real or personal property, or money, or choses in action, in this State, whether such person was a citizen of the State or not, and shall leave no heir capable of inheriting or taking the same, all such property, real and personal, shall escheat to the State of Mississippi." —Code of Mississippi, 1871, section 1844, page 393.—Code of Mississippi, 1880, section 881, page 261.

This can have no possible application to the case before us for the reason that the decedent had no right of property in the fund. He was not possessed of it, neither would his heirs or legal representatives have any right whatever to it unless he had designated to whom it should be paid as per Section 6, Article xiii., supra.

This point was fully decided in the case of Adolph Hellenberg, as executor etc., appellant against District Number I. of the Independent Order of B'nē Berîth, respondent. (See 94 N. Y., page 580.)

The appellant does not reply to the point presented by the respondent that the law referred to as Section 2 G, Exhibit D, was not in existence at the time of the decease of Brother Nathan in 1878, but was an enactment of the Grand Lodge in 1882. I take it for granted that this is the fact and we cannot consider it as having any bearing in this case and I fully concur with the respondent's claim that the enactments passed in 1882 by the convention at Galveston in so far as this case is concerned are not retroactive in their effect. It seems to me that there can be no question whatever as to the rightful channel to which this fund belongs. Amity Lodge cannot set itself against the laws framed by the Grand Lodge. It is only an integral part of the whole District and it is at all times subordinate to its superior representative body and its owes obedience to and should comply with the mandates and laws of the District and Order. It became the paramount duty of appellant to have at once obeyed the resolution adopted by the convention held at Selma, Ala., in 1885 and the Grand Lodge could have enforced its claim by more stringent means, a right which it possesses by its inherent power as such representative body. It has the constitutional right to enforce its laws and resolutions and the report of the trustees of Amity Lodge upon the matter referred to them would have been a sufficient

reason for the Grand Lodge to have vigorously enforced its demands for the repayment of the fifteen hundred dollars which the appellant unlawfully retains.

If these views are correct then I must hold that the fund of the District Endowment now held by the trustees of the District Endowment Fund of Amity Lodge (the appellant) is the property of the District, and as such must be refunded as provided in the resolution of the Grand Lodge at Selma, Ala., in 1885, and the appeal dismissed.

DISSENTING OPINION BY ABRAHAM J., DISTRICT NO. 2.

I have carefully considered the subject presented for our judgment herein. There is no disputed question of fact. It is shown, that in the year 1878, a member of the appealing lodge, died in good standing. A notice of his death was duly presented to the Secretary of the G. L., who, in compliance with the law in force at the time, collected from the lodges, a sum equal to one dollar for each member, and remitted fifteen hundred dollars to the lodge of which the deceased brother had been a member; that being the amount payable at the death of a member, under the provisions of the law of 1878, under which this case must be decided. The brother did not designate, as was his privilege and right under the law, to whom his endowment should be paid. It is doubtful whether the endowment was payable at all when he failed to exercise this privilege, but that is not raised by the parties and is not before us for decision. The G. L., by its payment is probably estopped now from raising the point, and both parties hereto treat the payment as valid and properly made to the lodge. There being no one to take by the direction of the deceased brother, it seems to be assumed that the fund should be distributed to his heirs, and with this intent, the lodge has duly prosecuted inquiries to find the heirs of the deceased, but has been unsuccessful, and there is no one now claiming the money from the lodge, which still holds it. Under these facts, the D. G. L. insists that the money shall be paid to it, and by resolution demands that the lodge shall return it. To this demand, the lodge demurs and appeals against the resolution. This is the issue. By the provisions of the law, when the certificate of death reached the Grand Secretary, he, under section 4, notified the lodges thereof, and collected from

each the sum of one dollar for the several members. On receipt of this money in compliance with his duty, the secretary, remitted fifteen hundred dollars of the money so collected, to the trustees of the lodge, paying the surplus to the trustees of the endowment fund, who might loan it temporarily on call, subject only to be used to pay subsequent endowments.

Now, it is here to be observed that no part of the fund paid to Amity Lodge, was ever in the control of the Grand Lodge. It did not come from its coffers. It never was even in its possession, but only in the hands of the secretary, who was the mere collector and disburser. The amount over and above the fifteen hundred dollars does not even go into the treasury of the Grand Lodge, but is specifically held for the purpose for which it was subscribed. It is noticeable that this fund is not held as a permanent reserve fund, and is distinguishable from the Reserve Fund as such, which is formed by the initiatory fee of new members, which alone is retained as a reserve fund. There is no enactment providing how a fund, such as is now in possession of Amity Lodge, should be disposed of.

It must be conceded that the money was lawfully paid to Amity Lodge, therefore it holds the money as legal custodian, having a lawful possession, subject only to be divested by one having a better title thereto. Does the Grand Lodge stand in such right? It did not contribute anything to the fund. It never had control of the fund. Then upon what pretence can it claim to have a superior right to the fund? I find no law of the District giving such right. Furthermore, conceding that the rightful heir of the deceased could claim the endowment, is the Grand Lodge liable to pay it? Most certainly not. It contracted to collect the sum payable and remit it through its secretary to the brother's lodge. This was all it contracted to do, and having done that, its duty, and its liability ceased. If, peradventure, heirs of the deceased were to appear, the claim would properly be made upon Amity Lodge, which then would have to respond. There being no law applicable in this case as to how monies like that in controversy should be applied, the Grand Lodge finding the deficiency, enacted, that in the case like the one before us, the money should be paid to the lodge. It is true that this enactment was made after the happening of the payment, and cannot be held as retroactive and binding as

law in this case. Yet nothing can be more clear or expressive of the opinion of the G. L., as to what rule should apply in such cases and if the money should be returned by Amity Lodge. it would be the only case in which it would be done. and it seems would be an unjust discrimination. Nevertheless. in the absence of a binding enactment, I but echo the opinion of the G. L. that it should remain where it is. Moreover, the G. L. orders that the money be surrendered to it. If that be done, it is in the power of the G. L. to use it for any purpose it desires. It might pay mileage to its members, or salary to its officers, or use it in any way without committing any breach. I am forced for the above reasons, to sustain the appeal. Reference is made to the law of escheat in the State of Mississippi, but the same has no bearing whatever on the question before us. Besides it has been held by our court, as well as by numerous decisions in the courts of last resort in many of the states, that the endowment forms no part of the estate of the deceased. He neither held it in possession, nor in right, and it did not descend to his personal representatives. A learned and honorable member of the court has expressed in strong terms, that the resolution of the G L. should have been enforced "by more stringent means, a right which it possesses by its inherent power." To this I respectfully dissent, for the right of a lodge to appeal against what it deems an unjust or unlawful resolution of the G. L, is as fully an inherent right as any that exists, especially in a case like the present, when the question affects solely the appealing lodge, which ought not to be disciplined for the exercise of its clear constitutional right. In my opinion, the appeal is well taken, ought to be upheld and the resolution complained of declared void.

APPEAL LXXXI.

OAKLAND LODGE, No. 252, I. O. B. B.,
Appellant,
vs.
LEON HERSHBERG,
Appellee.

OPINION BY J. SHRODER, J.

SYLLABI.

1. Where the By-Laws of a lodge entitle a member, taken sick at a point remote from his lodge, to certain benefits and also require the production of a certificate of the existence of specified facts, the member so taken sick will not be entitled to the benefits, unless there be produced to the lodge a certificate setting forth substantially each and every material requisite fact.

2. Under Section 1, Art. 12, Part 2, of the General Laws of District No. 4, it is not mandatory upon a member to seek relief from the "San Francisco Board of Relief." His failure to do so affords no ground of defence to any claim which he would otherwise have a right to assert against his lodge.

OPINION.

This is an appeal from the decision of the District Court No. 4.

The appellant-lodge is located in the city of Oakland, California. Brother H. Alexander, a member of the lodge, reported himself as having been sick at San Francisco, and made claim to sick benefits under Article 6, Section 3, of the lodge's by-laws. At different times he produced the following certificates from a respectable physician :

"This is to certify that Mr. Henry Alexander has been under my care since December 1st, 1885, and unable to attend to his business. Respectfully,

HENRY FERRER, M.D."

March 12th, 1886.

"San Francisco, June 12, 1886.

"This is to certify that I have operated upon H. Alexander in the German Hospital on February 23, 1886, and he was under my direct charge and care, and he was unable to work from February 23d to April 30th, 1886.

Respectfully,

HENRY FERRER, M.D."

Upon the testimony of some of the members, contradictory to part of these certificates, the lodge refused to allow his claim. On an appeal taken by the appellee from this action, the District Court found that Alexander was entitled to six weeks' sick benefit, and ordered payment of the same. From this decision the lodge takes this appeal.

So much of the By-Laws applicable to this case and necessary to quote is as follows :

ARTICLE VI.

Sec. 1. Any member qualified to receive benefits, who, by sickness or accident, may be incapable of earning a livelihood, shall receive from the Lodge Fund per week, during such sickness or disability, the sum of, * * * * * *

Sec. 3. To entitle a member to benefits, taken sick at a point remote from this Lodge, he must send or cause to be sent to the President a true statement of his case, the cause and origin of his illness, etc., attested by a respectable physician, magistrate, master of a vessel, or the President or Vice-President of a Lodge, if any is near him.

ART. 6, Sec. 1. If his sickness or disability arises from intemperance or immoral conduct, he shall not be entitled to receive benefits

It is clear that the certificates, jointly or severally, did not comply with the requirements of Section 3, since they omitted a statement of the case and of the cause and origin of the illness. These omissions were fatal to the claim, since the lodge and the members had by the by-laws agreed that such certificate was to constitute the evidence of the facts upon which the allowance of claim for sick benefits was to depend. The lodge required such statements in order to pass judgment upon the question whether or no intemperance or immoral conduct was the cause or origin of the illness; also as a safeguard and basis of investigation upon the honesty of the

certificate or character of the claim. In the absence of fraud, the certificate was conclusive upon the lodge as to each and every statement of fact. When produced, it became the duty of the lodge to execute the law bearing upon the facts thus adduced. The certificate is a necessary predicate for the carrying out of the laws, and in the absence of the certificate as required by Section 3, the lodge has not before it the requisite evidence or knowledge of the facts upon which the law in all its parts is to operate. This reasoning compels a dissent from the decision of the District Court. In our conclusion, we find support in the decisions upon questions similar to that now discussed, of Courts of the land and to which we refer :

> *Harrington vs. The Workingmen's Benevolent Association*, 70 *Ga.* 340, (1883) *Heyman vs. U. S. C. C.* 20 *Rep.* 168. *Robinson vs. Irish American Benevolent Society*, 14 *Ins. L. J.* 790, 791.

In disaffirming the decision below, we decide only the case presented to us, and preclude any inference that may be drawn therefrom as applicable to this case if a proper and full certificate should be presented to the lodge.

The appellant defended against the claim upon the ground that the brother being sick in San Francisco failed to seek relief from the San Francisco Board of Relief under Sections of Art. 12, Part 2 of the District Laws, which are as follows :

Resolved, That the San Francisco Board of Relief of the I. O. B. B. are hereby given full power to grant relief, to demand a return of money expended, and to have charge of all things relating to visiting brothers, holding good and valid cards, asking for relief.

Resolved, That upon the issuing of a visiting card by a Lodge, under these resolutions, the Secretary thereof shall endorse upon it the amount of weekly and funeral benefits allowed by the By-Laws of our Order, and that it shall be bound for any relief extended to a brother holding such card, to the extent of the benefits so rendered.

Sec. 1. The Board shall grant relief only to brethren of the Order from other places, who may be sojourning in this city, and who are sick and in distressed circumstances, and produce evidence of being in good standing, but no brother shall receive more than he is entitled to from the Lodge to which he may belong.

Sec. 2. It shall be the duty of members to attend promptly when appointed as committees for visiting the sick.

This point is not tenable. These provisions confer upon the members the initiative of requiring relief and the option of accepting the San Francisco Board as a substitute for his own lodge's relief. The purpose and intent of this law was to afford a ready and convenient assistance to a brother, who a stranger in that city, fell into need and distress. The charity of the District furnished him the election between his own lodge and this Board of Relief. If he failed to resort to the Board, it was evidence of his choice to rely upon his own lodge. The law gave him the right of present relief from the Board, which he could waive; and which waiver ought to operate neither to his prejudice nor to his lodge's advantage.

The judgment of this Court follows, that the appeal be and hereby is sustained, and that the claim of Brother Alexander, as presented, be disallowed by the lodge.

J. SHRODER.

All the members present concur.

The appeal is sustained, and the action of the District Court No. 4 is reversed.

[SEAL.] JOSEPH ABRAHAM,

Attest. *President of the Court.*

APPEAL LXXXII.

ELIM LODGE NO. 36, AND WEST VIRGINIA LODGE NO. 203,

against

DISTRICT GRAND LODGE NO. 3.

The appeals in the two cases named are upon the same grounds, and have been decided together. The District Grand Lodge amended the former law relating to endowment dues, and by the amendment enacted that the dues payable for endowment benefits should be graded according to the ages of the brethren, and also provided that if a lodge should advance payment for an impoverished brother, so as to keep him in good standing, such advances should

first be paid from his endowment. The appellants contend that the law is unconstitutional, because it impairs vested rights and violates the contractual relations existing between the Grand Lodge and those who were members when the prior law was in existence; that the law is objectionable, not being uniform in its application to all members, that it is unjust and oppressive. The Court holds :

1st. That the right of the Grand Lodge to change, repeal or modify any of its laws is inherent, and the exercise of this power in changing its Endowment Law does not violate its obligation to any of the members

2d. That a graded rate of payment is not in violation of any law or constitutional provision, Heilbrun *vs.* D. G. L. No. 2 is not applicable in this case.

3d. The Court has no power to pass judgment on the expediency, policy or justness of a law; those questions rest alone with the legislative branch.

Abraham, Sanger, Shroder, Greenebaum, Kraus and Goodhart, JJ., concur.

4th. Shroder, J., alone holds that the provision "e," which gives a lien to a lodge for advances made in paying the dues of a brother is unconstitutional.

5th. Levi, J., does not decide on the merits as to the appeal of Elim Lodge, but votes to dismiss the same on the ground of want of proper pleadings, but in the West Virginia case decides against the appeal on the merits, as held by the Court.

The appeals are dismissed and the law held to be valid.

Wolf and Cohen, JJ., have filed no opinions.

[SEAL.] JOSEPH ABRAHAM,
President of the Court.

OPINION OF THE PRESIDENT OF THE COURT.

These causes may appropriately be considered and adjudged together as they relate to the same subject matter, and like principles are applicable to both. In the former case technical objections are made by the appellees, touching a want of compliance with the forms of our code of procedure. I should be inclined to coincide with my learned colleague from District No. 7 to dismiss this cause upon the exceptions raised, from the fact that, before filing the

appeals, I forwarded to appellant copies of the code with instructions that the same must be followed; yet, as a majority of the court enter into and decide the cases on the merits, I deem it preferable to follow the same course. We are urged to declare the law appealed from to be unconstitutional. on the grounds of it being inequitable and unjust. With the propriety or the policy of the law, we have no power to inquire. Those are matters entirely for the legislative body, over which we have no control, when it does not encroach upon cardinal principles of the Order, nor upon constitutional rights. Endowment laws have been sanctioned and encouraged by the highest authority in the Order, and the only inhibition, is that which limits minimum contributions thereto. The objection raised in this case against the graded rate, is untenable, the appeal of Heilbrun vs. D. G. L. No. 2, has no application to this cause, there being no such prohibition either in the General Law, nor in District No. 3 as prevents the enactment of a graded assessment, It is earnestly contended by the West Virginia Lodge that the law in question violates the contractual relation entered into between those who were members when the former endowment law was made and the Grand Lodge. This perhaps is the most important question before us. It has been ably disposed of by my learned colleague from District No. 1, who shews upon principle, and adjudged decisions of various courts of last resort, the fallacy of the claim set up. In this regard I concur entirely with the views expressed. When a brother joins the Order he promises and engages to obey *all* the laws, and among others there exists a written as well as unwritten law, which gives authority and power to the legislative branch, to change, amend and repeal all existing laws. To this every member gives his full assent and no right is violated or wrong committed when a law is changed, provided it be done in due manner. It is not otherwise claimed in this cause. One learned member of the Court, with plausibility, holds that ("e") of Sec. 13, is unconstitutional, on the ground that it is an assignment by way of security to a debt. Without intending to criticise the opinion of any member, I give my view of the subject. At first I was rather inclined to agree with the opinion I advert to, but on reflection I do not think the law unconstitutional. We must look to the spirit and intent, rather than the letter, in construing legal rights. A brother who is unable to pay his dues to his lodge, and to keep his endow-

ment intact, will be dropped from the lodge and Order, and his widow at his death deprived of all benefits by reason of his unfortunate position. In this state of the case, I would ask, is it not for the benefit of the widow, that the dues of the brother should be paid? For it is necessary that he should be a member of a lodge in good standing at his demise to entitle the widow to her endowment, which only in this manner she can be entitled to. I think the spirit of the law is not violated, and would not like to declare this provision unconstitutional.

As the whole Court entertain this appeal, jurisdiction is of course sustained, as the organic law of the Order permits appeals from all actions of the District Grand Lodge. I cannot well conceive of a case, in which any action of a Grand Lodge may not be brought before this Court for its judgment. In the present case we hold that we have no power to reverse the legislation of a D. G. L. lawfully made, yet we have jurisdiction to determine the very question, if the legislation is within its power. The appeal in the case stated is not sustained, and the law is decided to be valid.

JOSEPH ABRAHAM,
President of the Court.

OPINION OF JUDGE SCHRODER.

This appeal is upon the complaint that the amendments to Article XII, Sections 4 and 13 of the District General Laws, passed on January 29, 1888, by the District Grand Lodge No. 3, are in conflict with the organic laws of the Order.

The appellee questions the jurisdiction of the Court both as to the subject of the appeal and as to the relief prayed for.

Part III. Art. III. Sec. 3, of the organic laws provides that appeals shall lie to the Court of Appeals from any action of the District Grand Lodge. The passage of these amendments constitutes the action of the District Grand Lodge No. 3, and such action is a subject of appeal. Art. III. Sec. 2, directs the Court to pass judgment upon all cases presented for adjudication. The organic law does not prescribe the nature of the remedy and this absence of any such provision furnishes evidence of the intention to commit to the judgment of this Court the awarding of such relief as the justice of each case may require. In view of the variety of causes which

might be submitted for decision, the impracticability of anticipating and prescribing the varieties of remedy that may become necessary in order to administer justice in accordance with the laws of the Order and of the several Districts, undoubtedly prompted the Constitution Grand Lodge in thus treating the subject. It follows that the Court possesses jurisdiction of the subject of appeal and has power to grant the relief of injunction prayed for.

The appellant claims that the amendment Art. XII. Sec. 4, is a breach of contract made with members initiated prior to the year 1886. The contract referred to, is set forth as the Endowment laws Art. XI. Sec. 1, then in force, providing for uniform assessment of all members. This Art. XI. Sec. 1, formed a part of the General Laws of the District. Another part of these laws conferred upon the District Grand Lodge the right to make alterations and amendments to the General Laws. The appellee avers (P. 4 of its brief) that every formality required by the District Constitution as to alterations and amendments has been followed; and this averment is not denied by the appellant. The contract between the District Grand Lodge and these members arises from the latter's consent to abide by the existing laws and to respect the rights secured by them. Among these rights was that of the District Grand Lodge to make alterations and amendments to the laws upon its complying with certain formalities. The Endowment laws, including Art. XI. Sec. 1, were embraced within this category; and no exception to the amendment power is brought to the Court's attention. In passing the Art. XII amendments, the District Grand Lodge in nowise infringed upon any contract rights of others, for by its action it did nothing but exercise a right of its own to which the others had given their previous consent in and by the act of becoming members of the Order in that District.

There is no fund or other property in which these members are shown to have any vested interests in any way affected by these amendments of January, 1888.

From the foregoing it must appear that no contract or property right of the appellant or of any member has been violated by the action of the District Grand Lodge, unless this action was in conflict or inconsistent with the Organic Laws upon other grounds now to be discussed.

The appellant insists that Section 4 is in conflict with the

Organic laws because it seeks to enforce a classified instead of a uniform assessment. It refers to the case of Heilbrun *vs.* District Grand Lodge No. 2. (See Ex. Com. Rep. for 1872–3, p. 90). The Heilbrun appeal was sustained upon the propositions that by the Constitution of District No. 2, in force prior to 1879, no other than a uniform assessment could be made for the maintenance of any District Fund for the benefit of the Widows and Orphans, and that this Endowment fund was one of that description. It will suffice to say for the purpose of this opinion that these provisions as to uniform assessments are not found in the Organic Laws nor shown to be in the Constitution of District No. 3, and that therefore the Heilbrun decision is not applicable to the case. It remains to consider whether the action of the District Grand Lodge is in conflict or inconsistent with Article V, Part II, of the Constitution of the Order when construed in the light of the preamble which announces that one of the missions of the Order, among other things, is the "providing for, protecting and assisting the widow and orphan on the broadest principles of humanity." This Article, saving the minimum limitation upon the annual assessments, confers upon the District Grand Lodge unrestricted power of action on the subject of Endowment. If other limitations were intended to be placed upon the District Grand Lodges, it is a reasonable presumption that the Constitution Grand Lodge would have so declared the law whilst dealing with the Endowment subject; and the failure to fix other limitations argues that none other were intended to be fixed. And it is clear that the organic laws also left it to the judgment of each District Grand Lodge to determine what provisions under the Endowment system would protect and assist the widow and orphan "on the broadest principles of humanity." The idea contained in the quoted passages is not susceptible of such definite, or general definition or explanation as would bring its application in any particular case within the province of the judiciary of the Order. It is one which seems best adapted for the determination of the District Grand Lodge in its legislative capacity—its representative character, its organization, procedure and practices, making it more capable of determining upon the most humane aud efficacious form and administration of this kind of charity. For this reason has the Constitution Grand Lodge confided to the Wisdom and Good Faith of each District Grand Lodge the exclusive province of decision upon this

subject. Any abuse or corrupt use of this power can be only remedied by legislation on the part of the Constitution Grand Lodge and by no other form of relief. The District Grand Lodge No. 3, in passing Section 4 of Art. XII. has exercised a right vested in it exclusively and therefore has not done anything in conflict with the organic law. The claim of appellant in that particular cannot be sustained.

It is also appellant's contention that Art. XII. Sec. 13, subdivision (e), is unconstitutional. This subdivision permits the assessment by any member, of his endowment, as collateral security for payments or advancements made on account of *dues* and endowment *assessments*. The advancements create an indebtedness on the part of the member in favor of the lodge. The amendment aims to give the lodge security for its debt; it procures to it a lien upon the fund. It has been repeatedly decided by Courts (and this without dissent), and also in opinions rendered in making up decisions by this Court, that whatever disposition a member makes of the endowment fund is not by virtue of any ownership he has in the fund, but merely by virtue of a power of appointment conferred upon him by the laws of the District; also that this fund forms no part of assets which in law would be subjected to the payment of his debts after his decease. If there is any right of declaration or disposition given to a member, it is not founded upon any legal claim of the beneficiary, but only upon the voluntary will of the law-maker of the District which is the District Grand Lodge. The District Grand Lodge must exercise that power in a way not inconsistent with the organic laws. What is the purpose of the Endowment Fund under these laws? The portion of the preamble already quoted in this opinion, throws light upon that matter. The object is for the benefit of the widow and orphan. The fund is set apart for purposes of that character. This clause of the preamble is but a confirmation of the principles laid down by the Court in the cases of Ararat Lodge No. 13 *vs.* District Grand Lodge No. 1, Rimmon Lodge No. 68 and Benjamin Lodge No. 69 *vs.* District Grand Lodge No. 3, reported in Executive Committee Report for years 1868–1870, p. 37 *et seq.*—which decisions received acquiescence of three successive Constitution Grand Lodges and are the law of the Order upon the subject of Endowment. The Court then held that the Endowment fund was one designed by the Order for the benefit of Widows and Orphans and

that the legality of the Endowment system could not be maintained in this Order upon no other ground than benefit to beneficiaries of that kind. It must follow that any diversion of this fund for any other purpose is inconsistent with the spirit of the organic laws, and therefor in conflict with Part II. Art. IV, Sec. 2, of the Constitution. Any action within the letter but not within the spirit of the law, is not within the law. It is plain that the advances for *dues* are solely for the benefit of the member during his life; and if for no other reason than that the payment of dues secures to him certain benefits personal to himself during life. But aside of this consideration, it is difficult to perceive any distinction between a lodge or any other person *as a creditor* for advances of money; nor would the mode or purpose of using the advances in any wise make the lodge anything else than a creditor. This subdivision (e) consequently authorizes an appropriation of this Endowment fund to the payment of a deceased member's debts, instead of the described objects of his bounty, and is for that reason inconsistent with the organic laws.

This subdivision (e) is not so connected with the other portions of the law or amendments as to make their existence dependent upon its legality. It is wholly a distinct and independent feature, that its invalidity does not affect the validity of the other parts of the law.

The conclusions arrived at from the foregoing opinion is :

1. That Art. XII. Sec. 13, subdivision (e) is unconstitutional and therefore null and void.

2. That the other amendments are valid.

3. That the appeal ought to be dismissed as to these other amendments and sustained as to Art. XII. Sec. 13, subdivision (e), and that the enforcement of this subdivision ought to be enjoined.

Cincinnati, June 11, 1888.

WEST VIRGINIA LODGE NO. 203, *vs.* DISTRICT GRAND LODGE NO. 3

OPINION BY J. SHRODER.

The complaint and issues presented for adjudication on this Appeal are the same as those of Elim Lodge No. 36. Similar conclusions are therefore reached; and similar judgment ought to be rendered.

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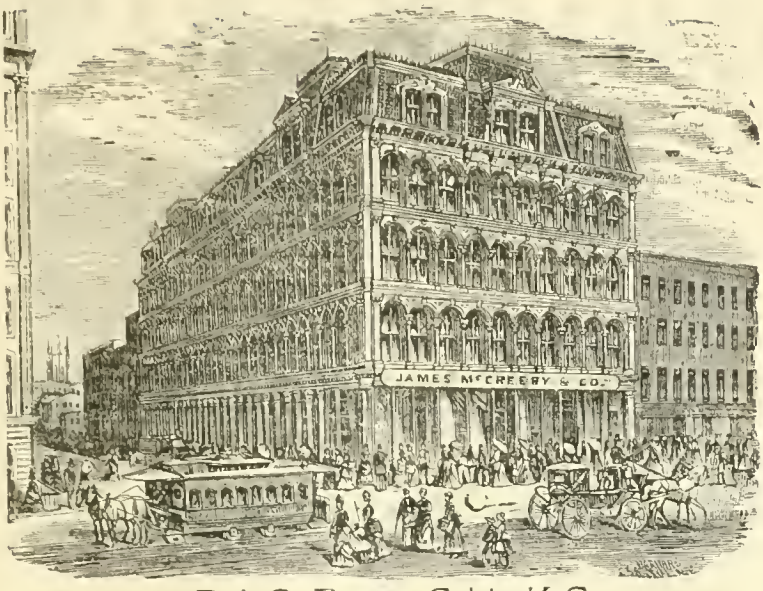

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